

Barbara F. H. Neave.

STATUTA ECCLESIAE SCOTICANAE.

One of Twenty Copies of the Preface printed separately.

Concilia Scotiae

ECCLESIAE SCOTICANAE

STATUTA TAM PROVINCIALIA QUAM SYNODALIA

QUAE SUPERSUNT

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THE EDITOR'S PREFACE.

THE EDITOR'S PREFACE.

No Provinciale Scotiae; no Scottish Canons in Spelman's Concilia; nor any attempt to collect them until the last century.

THERE was no attempt before the Reformation to do for the Scottish Church what Bishop Lindewoode in his Provinciale[1] had done for the English. The work which Sir Henry Spelman left unfinished in the next century, took a wider range. He proposed to print the Councils of all the British Islands;[2] but, although he acknowledges himself indebted to Archbishop Ussher in Ireland, he found no help north of the Tweed.[3] It was not, indeed, until after the Union, that any endeavour was made to collect the Canons and Constitutions of Scotland during the Middle Ages.

Thomas Innes first cells ottention to the subject.

The first labourer in the field was Thomas Innes, Vice-Principal of the Scots College at Paris. He had peculiar qualifications for the work. He was a priest of the old faith; a scholar after the admirablo fashion of his neighbours, the Benedictines of St. Maur;[4] a Scot full of zeal for the

[1] Written in 1430; first prioted in 1496. Nine editions are anumerated before 1559.

[2] Concilia, Decreta, Leges, Constitutiones in re Ecclesiarum Orbis Britannici, viz., Pambritannica, Panonglica, Scotica, Hibernica, Cambrica, Mannica, Provincialia, Dioecesana, ab initio Christianae ibidem religionis ad nostram usque aetatem, studiose coogesta opera et scrutinio Henrici Spelman, Eq. Aur.

The work was to be io three volumes, but only two were published, tha first in 1639, the second (more than twenty years after the author's death) in 1664.

[3] Its few scanty notices of Scottish ecclesiastical affairs are taken from printed books—two or three useful documeots from Hoveden, some worthless scraps from Boece, Dempster, and the Regiam Majestatem.

The Scots College at Paris, and the Benedictines of St. Germain-des-Prés: their common charter studies:

[4] Neighbourhood was not the only tie between the brethren of the Scots College and tha monks of St. Maur. They followed kindred pursuits, held like opinions, shared the same friendships.

Their common love of record learning must have drawn them together on other occasions than the memorable day when Innes' brother, the Principal of the Scots College, led his exiled countrymen from the Palace of St. Germain-en-Laye to tha Abbey of St. Germain-des-Prés, to hear its great light Mabillon, with Ruinart, Renaudot, Baluze, and other scholars of renown, attest the authenticity of the Scottish charter which was believed to redeem the second King of the house of Stewart

T. Innes' List of Scottish Provincial Councils.

honour of his country among the nations. In the year 1729 he published, in his Critical Essay on the Ancient Inhabitants of Scotland,[1] a list of Scottish Councils, appealing to manuscripts in French, English, and Scot-

from the taint of bastardy.—(Miscell. Spald. Club, vol. ii. p. 370. Mabillon, De Re Diplom. Suppl., pp. 102-112.)

their common Jansenism and Jacobitism;

The Scottish priest and the Gallican monk ware alike suspected of the same religious heterodoxy; and, in secular politics, both were alike conspicuous for their Jacobite zeal. The imputation of Jansenism which rested on the Congregation of St. Maur fell upon Thomas Innes at least, if not also upon his colleagues and kinsmen; and the tenth of June, the birthday of the disinherited Prince of Wales, was not more devoutly observed in the chapel of St. Andrew in the Scots College than in the conventual church of St. Germain-des Prés, where the Cardinal d'Estrées, and the French Prince, the grandson of King Lewis xiv., for whom Fénelon wrote his Telemachus, are known to have countenanced the solemnity.—(M. Migne, Dict. des Ord. Relig. t. ii. coll. 908-913. Miscell. Spald. Club, vol. ii. pp. cxvi.-cxviii. Vita Mabillonii, § lvi., in his Analecta, edit. 1723.)

their common relations with King James II.

The visits of King James the Second, in his exile, were as frequent to the Abbey of St. Germain-des-Prés as to the Scots College which he charged with the custody of his Memoirs; and the Court of St. Germains had scarcely a warmer welcome for the Scottish priest, the steward of its alms, or the confidant of its secrets, than for the French Benedictine, the labourer in the noblest workshop of letters in Europe. 'Singulari prope veneratione,' says the biographer of Mabillon, 'colebat, immortali memoria dignum, nec satis unquam pro fidei merito commendandum, Jacobum Secundum Majoris Britanniae Regem; assiduasque pro eo ac Serenissima Regina sponsa, dilectissimo optimaeque spei Principe filio, et subjectis omnibus qui fortes in fide steterant, preces ad Deum effundabat. Qua porro benevolentia et existimatione Mabillonium certatim prosequerentur isti nunquam sine laude nominandi Principes, palam faciebant, vel cum in Sangermanensem ecclesiam causa ipsi ultro veniebant, vel cum ipse deferendi sui in Principes obsequii gratia, ad eosdem in Sangermanensem civitatem veniebat, raro licet, nec nisi ab iis, quibus non parere religio erat, semel et iterum invitatus, ut modestiae indulgeret suae vir laudis impatiens.'—(Vit. Mabill. § lxii.)

with Queen Mary of Modena, and with the Chancellor Perth.

Mabillon inscribed his little work 'La Mort Chrétienne,' printed after King James' death, to his widow, Queen Mary of Modena; and the Life of Mabillon himself, published by the brethren of his monastery, was dedicated to the Scottish Earl whom King James had made Duke of Perth. It seems that he had been familiar with the great Benedictine in life, and had stood beside his deathbed. The expatriated Chancellor made his own sepulture in the chapel of the Scots College where also the brains of his King and Queen had their burial. His tomb set forth that he was a great patron of learning; and we know that he sought the acquaintance of Bayle at Rotterdam, and of Papebroch the Bollandist at Antwerp. In neither case, perhaps, were his motives altogether disinterested. There is room for suspicion that he wished to bespeak the favour of the editor of the Dictionnaire Historique et Critique for an article on the house of Drummond; and that he wished to impress the editors of the Acta Sanctorum with the belief that he inherited the blood and the piety of St. Margaret, and rivalled the virtues and the sufferings of Sir Thomas More: 'avitae pietatis ac religionis imitator . . . generis sui nobilitatem ad ipsam Sanctam Margaritam refert . . . aemulus magno illi cancellario Angliae Thomae Moro, aeque ac iste carcerem carcerisque paedorem fidei causa diu perpessus . . . exilium elegit spontaneum, in hoc imitatus etiam S. Margaritam, quae et ipsa exulavit: regnum quoque cum eadem, si minus terrenum ac perbreve, aditurus caeleste ac sempiternum.'—(Vit. Mabill. §§ lxviii. lxxvi. cxvii. Crawf. Lives of Offic. of State, p. 235. Lett. of James Earl of Perth, p. 15. Act. Sanct., Jun. t. ii. p. 338.)

Beyond the circle of the Benedictines, Thomas Innes had among his friends such men as Atterbury and Ruddiman of his own country, and Baluze, Duguet, Rollin, and Santeuil in France.—(Miscell. Spald. Club, vol. ii. pp. cxvi.-cxviii. T. Innes' Crit. Ess. vol. i. p. 106. T. Innes' Civ. and Eccl. Hist. Scot. pref. pp. xii. xiii. xvii. xviii.)

[1] T. Innes, Crit. Ess. vol. ii. pp. 587-596: 'A

tish libraries, in order to show, in his own words, 'that the few remains we have now of ancient ecclesiastical monuments, is no argument that we had not, before the Reformation, as many in proportion as our neighbours; and in order also, towards the furnishing materials for the ecclesiastical history of Scotland, to excite the learned among our countrymen to make farther inquiry for anything of this kind that may still remain undiscovered and unknown in private hands, as that precious collection of Canons in the Chartulary of Aberdeen, had done for so many years.'[1]

T. Innes suggests the publication of the Scottish Canons of the sixteenth century.

Soon afterwards we find him suggesting to Bishop Keith, then busy with the History of the Affairs of Church and State in Scotland,[2] the publication of a manuscript record, at Paris, of the last three Provincial Councils of Scotland; and, although he had reached the age of seventy-three, offering his services in its correction, so 'that it might be put in a condition to make as good a figure to the honour of our country as any of these times the South of Britain could produce.'[3]

His contributions to Wilkins' Concilia

His offer met a ready acceptance. Archdeacon Wilkins was then on the eve of sending his Concilia Magnae Britanniae et Hiberniae to the press; and, when it appeared in the year 1737, it was found to contain not only the Provincial Councils which Innes had brought to light,[4] but an essay from his pen on the Ancient Form of holding Synods in Scot-

Chronological Index of such of the National Councils of the Church of Scotland, as I have found mentioned in History and Records.'

[1] T. Innes, Crit. Ess. vol. ii. p. 586.

He adds, after enumerating thirty-one Scottish Councils: 'If the acts and canons of all these Councils . . . had been preserved entire, such as they were before the Reformation, we might have had this day not only two, such as Spelman's, but many volumes of National Councils of Scotland; besides so many other valuable ecclesiastical acts and monuments of all kinds: which had been proper materials for a history of the ancient church of that kingdom, which now being deprived of such proper vouchers, can never come up to make a figure like to those of other nations. But to conclude this melancholy subject, at least I hope that no reasonable man . . . will henceforth, from the scarcity of civil and ecclesiastical monuments, under which the Scots at present labour, conclude that there must have been fewer of both kinds of these monuments in past ages in Scotland, in proportion to its extent, than in other civilized and Christian countries.'—(Crit. Ess. vol. ii. pp. 597, 598.)

[2] Published in 1 vol. fol. in 1735; reprinted by the Spottiswoode Society in 3 voll. 8vo, in 1844.

[3] Bishop Keith's History, vol. i. pp. cvii. cviii.

[4] Wilk. Conc. Mag. Brit. et Hib. vol. iv. pp. 46-60: 'Concilium Provinciale cleri Scoticani habitum Edinburgi, A.D. 1549;' vol. iv. pp. 69-73: 'Concilium Provinciale cleri Scoticani habitum Edinburgi, A.D. 1551;' vol. iv. pp. 204-217: 'Concilium Provinciale totius cleri Scoticani utriusque provinciae S. Andreae et Glasguensis, habitum Edinburgi, A.D. 1559.'

T. Innes' Epistola de Synodis Veteribus apud Scotos.

land.[1] This, like everything which he wrote, is marked by learning, modesty, and good sense. It is still more to his honour that he should have been so anxious for the publication of Canons in which Protestants have found their worst condemnation of his Church,[2] and that he gave the record to the world as he found it, without the change or omission of a single word. It is not pleasant to remember that at this very time, a proposal to publish the Acts of the General Assembly of the Church of Scotland, called forth a protest from her most voluminous historian that in no case should they be printed until a careful revision had suppressed whatever might he thought to tell against Presbytery.[3]

His candour.

[1] Wilk. Conc. Mag. Brit. at Hib. vol. i. pp. xxvii.-xxxii.: 'Clarissimi ac reverendi viri Thomae Innesii, Scoto-Britanni, Epistola ad editorem Conciliorum Magnae Britanniae et Hiberniae de Veteri apud Scotos habendi Synodos Modo.'

It is dated at Paris, on the 23d November 1735. Mr. Grub has reprinted it in the appendix to his preface (pp. xxxix.-lii.) to T. Innes' Civ. and Eccl. Hist. Scot.

His Dissertation on the Independence of the Scottish Church.

In his Epistola de Synodis Veteribus apud Scotos, Innes refers to his 'Dissertatio de Libertate Ecclesiae Scoticanae et ab Eboracensi Metropolitano immunitate, nondum edita.' It is to be regretted that this essay has not been published. The subject of which it treats would seem to deserve a more thorough discussion than it has received.

Corruption of the Scottish Church before the Reformation.

[2] 'Knox himself,' writes Lord Hailes, 'could not have said anything more severe: indeed the first book of his History is little more than a rude and uncourtly commentary on the two causes of heresy mentioned in the ecclesiastical Canons of 1549—the flagitious lives and the gross ignorance of the Scottish clergy.'—(Hist. Mem. of Scot. Counc. in Ann. of Scot. vol. iii. p. 258. edit. 1819.)

See below, pp. 283-305; and compare Dr. M'Crie's Life of Knox, pp. 80-82, 344, edit. 1855: 'the Canons of the Scottish clergy . . . served only to proclaim the abuses which prevailed.'

See also Professor J. Y. Simpson's Ant. Not. of Syph. in Scot. (reprinted from the Trans. Epidem. Soc. Lond. 1862, vol. i. part ii.) pp. 38-40: 'perhaps still more unequivocal evidence of the scandalous profligacy of the Scottish clergy of those times is to be found in their own statutes.'

Innes himself must have foreseen the use which would be made of the Canons which he published. Writing of the Provincial Council of 1559, he says: 'In postremo illo Concilio . . . proposita et decreta sunt efficacissima, quae per ea tempora licebant, remedia ignorantiae praesertim, et corruptis ecclesiasticorum at religiosorum moribus, aliisque abusibus, qui contra canones et Ecclesiae Catholicae sensum et spiritum, dormientibus, ut ita dicam, et in otio et luxu sopitis pastoribus, in ecclesia Scoticana succreverant, quique Catholicis scandalum, et ansam in ecclesiam insurgendi novatoribus praebebant.'—(De Syn. Vet. apud Scot., in Wilk. Conc. Mag. Brit. et Hib. vol. i. p. xxxii.)

In an unpublished letter to Bishop Keith, dated from Paris on the 26th February 1731, Innes writes: 'As to our Bishops being concern'd in the bond to Bothwal, tho' I would not answer for Sir James Balfour's fidelity, from whom we have the transcript, yow need not expect that I will bee an apologist of the Bishops of those times, except of one, that is Archbishop Beaton, of whom we have an original in his own hand, being a minute of his letter to Queen Mary against that infamous marriage. It is truely Episcopal and worthy of a great Bishop. . . . As for the most of the other Bishops, what could be expected from men that, by any thing hath yet appear'd, made not so much as a protestatioun for their religion and calling in the pretended Parliament of 1560?'

Compare Mr. Grub's Eccl. Hist. Scot. vol. ii. p. 85.

[3] 'In no case I would be for printing the Record, except it were revised by a committy named by the Assembly, and such things as are not of gene-

Thomas Ruddiman's contributions to Wilkins' Concilia.

While Wilkins received such efficient aid from Paris, he found a scarcely less useful fellow-labourer in Scotland. Innes had pointed out the manuscripts in which the earlier legislation of the Scottish Church was recorded. They were chiefly in the Advocates' Library at Edinburgh; and its keeper, the learned and excellent Thomas Ruddiman, hastened to supply transcripts not only of what Innes had indicated, but of what he himself had discovered.[1] In this way tho Concilia Magnae Britanniae came to contain all that was known of the Canons and Constitutions of Scotland at that time—all, indeed, that was known until our own day.

Lord Hailes' edition of the Scottish Canons of the thirteenth century.

Lord Hailes, it is true, in the year 1769, republished the Canons of the thirteenth century which Wilkins had printed from Ruddiman's transcript,[2] and expanded Innes' brief list into an elahorate catalogue of the

ral use be left ont. I gave you my reasons for this when here. There are acts contradicting one another, and many things unfitt for the public view.'—(Letter from the Reverend Robert Wodrow, 29th Oct. 1733, in Acts and Proceed. of the Gen. Assemb. of the Kirk of Scot., append. to pref. p. xlv. Bannatyne Club: 1845.).

[1] 'Quorum consilio ac monitis in perficiendo opere usus fuerim, jam ex epistola nuncupatoria ad reverendissimum dominum Archiepiscopum Cantuariensem apparet. Horum catalogo grato insero animo clarissimos viros Thomam Innesium et Thomam Ruddimannum, Scotobritannos; quorum ille ex MSS. Regiis Parisiensibus et Codicibus Baluzianis, hic ex Bibliotheca Juridica Edinburgensi, ea quae ad Concilia Provincialia vel Dioecesana Constitutionesque Ecclesiae Scoticanae spectabant, benigne mihi suppeditavit; adeo ut praeter paucula quae ὁδηγῷ Spelmanno ex Hectore Boethio et Dempstero, vel proprio Marte ex Chronico Paalatensi, et Johanne Leslaeo, episcopo Rossensi, congesseram, omnia binis hisce amicis, in republica literaria optime notis, accepta referam.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. p. xxxiii.)

[2] Canons of the Church of Scotland, drawn up in the Provincial Councils held at Perth, A.D. 1242 and A.D. 1269. Edinb. 1769. 4to, pp. 48. Reprinted in the second edition of the author's Annals of Scotland, vol. iii. pp. 145-197. Edinb. 1797, and in the third edition, vol. iii. pp. 161-219. Edinb. 1819.

No good grounds for referring the Scottish Canons republished by Lord Hailes to the years 1242 and 1269.

It may be necessary to warn the reader that there is no other authority for ascribing these Canons to the years 1242 and 1269 than the loose assertion of Hector Boece writing in the sixteenth century.—(Hist. Mem. of Prov. Counc. in Ann. of Scot. vol. iii. pp. 241-243.)

The sagacious Thomas Innes left their date undetermined; and the accurate Ruddiman saw no ground for fixing it more precisely than about the end of the reign of King Alexander II., who died in 1249.—(Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 608.)

Mr. Cosmo Innes, while rejecting as 'imperfect' the evidence on which Lord Hailes attributed them to the years 1242 and 1269, thinks it 'probable that a considerable part of these Canons were sanctioned or ratified in Councils of the Scotch clergy held about those times.'—(Reg. Episc. Aberd. vol. i. p. lxxv.)

Mr. Grub comes to the same conclusion: 'There is no sufficient evidence to connect those Canons with the special Councils referred to, but there can be little doubt that they were promulgated for the most part about the period assigned to them.'—(Eccl. Hist. Scot. vol. i. p. 329.)

The MSS. used in the present work make it sufficiently certain that nearly half of what in Lord

Lord Hailes' Memorials of Scottish Provincial Councils.

Provincial Councils of Scotland.[1] Both works are to be gratefully remembered as examples of exact and laborious erudition, such as had too rarely been brought to historical studies on this side of the Border. But their object was not so much to glean new facts as to winnow and mature a harvest already gathered; and if they added little or nothing to the stores of the Concilia Magnae Britanniae, they must not be blamed for failing in what they did not attempt.

Mr. Cosmo Innes' edition of the Scottish Canons of the thirteenth century.

In the year 1845, Mr. Cosmo Innes, in printing the Register of the Bishopric of Aberdeen, re-edited the Canons which had been published by Ruddiman, and republished by Lord Hailes from the same manuscript.[2] Mr. Innes' duty was discharged by the production of a better text than had yet been given to the public. But he did not neglect the opportunity of suggesting that there was room for an ampler collection of our ancient Church Law.[3] He had already discovered one valuable manuscript unknown to former inquirers; and another venerable fragment had been brought to his knowledge before he asked the sanction of the Bannatyne Club to the work which is now offered to the reader. No small part of its materials were gathered by Mr. Innes' research, and it has profited largely by his ready help and learned counsel throughout. Yet every one must regret, myself most of all, that other duties obliged him to devolve the editorial charge upon shoulders so much less fit for the burthen.

Object of this work.

The object of the volume is to collect the Canons, whether Provincial or Synodal, of the Scottish Church from the year 1225, when its clergy, although they had no Metropolitan, were empowered by the Pope to meet

Hailes' time were regarded as Provincial Canons of the years 1242 and 1269, are not Provincial Canons at all, but Synodal Statutes of the diocese of Aberdeen.

[1] Historical Memorials concerning the Provincial Councils of the Scottish Clergy, from the Earliest Accounts to the Æra of the Reformation. By Sir David Dalrymple. *Si delectamur quum scribimus, quis est tam invidus qui ab eo nos abducat? sin laboramus, quis est qui alienae modum statuat industriae?*—CICERO. Edinb. 1769. 4to, pp. 41. Reprinted in the second edition of the author's Annals of Scotland, vol. iii. pp. 198-245, and in the third edition, vol. iii. pp. 221-271.

[2] Reg. Episc. Aberd. vol. ii. pp. 3-37.

[3] Reg. Episc. Aberd. vol. i. pref. p. lxxv.

in legislative assembly, until the year 1559, when the Provincial Council, which was called to arrest the advance of the Reformation, separated never to sit again.

Vestiges of ecclesiastical legislation before the thirteenth century.

The work, therefore, does not ascend beyond the beginning of the thirteenth century; and, indeed, there are scarcely any remains of the proceedings of Scottish Councils of earlier date.

Earliest remains as much Irish or English as Scottish.

Of the six or seven centuries between the introduction of the Christian faith and the reform or revolution begun by St. Margaret, and all but completed by her sons, the memorials which survive are few and scanty; and, such as they are, they may be claimed as Irish or English rather than Scottish.

The Cain Adhamnain, or Law of the Harmless, A.D. 697.

It is recorded that Bruide the son of Derili, King of the Picts, gave his sanction to the 'Law of St. Adamnan,' abbot of Iona, which freed women from the services and severities of war. But the record shows that the ordinance was enacted in a synod or convention of Irish ecclesiastics and Irish chiefs assembled in Ireland.[1]

Canons of St. Adamnan, A.D. 679-704

The biographer and successor of St. Columba gave his name to other Canons declaring what meat might be taken with a safe conscience, and what must be rejected as unclean or forbidden.[2] They were passed, it is conjectured, in the same Irish synod or convention which sanctioned the 'Law of St. Adamnan;'[3] and it is at least certain that they were framed as

[1] Dr. Reeves' Adamnan's Life of St. Columba, pp. l.–lii. 179, 383, 393.

The 'Cain Adhamnain'—the 'Lex Adamnani,' or 'Tribute of Adamnan,' called also the 'Lex Innocentium'—long believed to be lost, has been recovered among the Burgundian MSS. at Brussels. Its publication is promised by the Irish antiquaries. See below, pp. 310, 311.

The barbarity which it prohibited among the Scots and Picts of the seventh century, is said still to have prevailed among the Scots, and especially among the Picts of Galloway, in the twelfth century. See below, pp. XXVIII. XXIX.; and compare St. Ailred's Life of King David I. in Pinkert. Vit. Antiq. SS. Scot. pp. 445, 446.

[2] The Canons of St. Adamnan were printed by the Benedictines, Martene and Durand, in their Thesaurus Novus Anecdotorum, t. iv. coll. 18, 19, 11.

In the Appendix (No. I. pp. 229-230), I have reprinted them from that work, collated with another copy among the Cotton MSS. in the British Museum (Otho E. XIII. foll. 155 *b*. 137 *b*).

I am indebted for this collation to Mr. James Gairdner of the Public Record Office, editor of 'Memorials of King Henry the Seventh,' and of 'Letters and Papers of the Reigns of Richard III. and Henry VII.'

[3] Dr. Reeves' Adamnan's Life of St. Columba, pp. li. lii.

much for the flocks which followed the rule of Iona in Erin as for the tribes which acknowledged its authority in Alba.[1]

Abbot Ceolfrid's Letter to the King of the Picts on Easter and the Tonsure, A.D. 706-716.

Bede has preserved the letter which was read in the council or assembly of the Picts when King Nectan decreed that all the Pictish nation should keep Easter according to the Latin reckoning, and that all the Pictish clergy, whether priests or monks, should make their tonsure after tho Latin fashion. But the letter was written, probably by Bede's own hand, in an English monastery, in the name of the English abbot of Wearmouth and Jarrow.[2]

Synodus Aquilonalis Britanniae, ante A.D. 1000.

Four Canons, inscribed Synodus Aquilonalis Britanniae, have been found in a manuscript of the tenth century;[3] but it may bo doubted

[1] 'It is observable,' says Dr. Reeves, 'that Adamnan, though living in Hy, acknowledges Ireland to be his country.'—(Adamn. Life of St. Columb. p. 241.)

'Notandum etiam Canones Hibernicos, sicut et alia disciplinae illorum temporum capita communia olim plerumque fuisse Scotis in Britannia cum Hibernis. Horum Canonum ampla habetur in Spicilegio R. P. Dacherii [t. ix. pp. 1-51] collectio.'—(T. Innes, De Synod Vet. apud Scot. in Conc. Mag. Brit. et Hib. vol. i. p. xxvii.)

A farther publication of Irish Canons was made by Martene and Durand in their Thes. Nov. Anecd. t. iv. coll. 1-22.

Adoption by the Picts of the Roman way of reckoning Easter, and of the Roman form of tonsure, A.D. 716-717.

[2] Bede, Hist. Eccl. Gent. Angl. lib. v. cap. 21: 'Haec epistola cum praesente Rege Naitono, multisque viris doctioribus, esset lecta, ac diligenter ab his qui intelligere poterant, in linguam ejus propriam interpretata, multum de ejus exhortatione gavisus esse perhibetur; ita ut exsurgens de medio optimatum suorum consessu genua flecteret in terram, Deo gratias agens, quod tale munusculum de terra Anglorum mereretur accipere. *Et quidem et antea novi*, inquit, *quia haec erat vera Paschae celebratio, sed in tantum modo rationem hujus temporis observandi cognosco, ut parum mihi omnimodis videar de his antea intellexisse. Unde palam profiteor, vobisque qui adsidetis praesentibus protestor, quia hoc observare tempus Paschae cum universa mea gente perpetuo volo; hanc accipere debere tonsuram quam plenam esse rationis audimus, omnes qui in meo regno sunt clericos decerno.* Nec mora, quae dixerat, regia auctoritate perfecit. Statim namque jussu publico mittebantur ad transcribendum, discendum, observandum, per universas Pictorum provincias circuli Paschae decennovenales, oblitteratis per omnia erroneis octoginta et quatuor annorum circulis. Adtondebantur omnes in coronam ministri altaris, ac monachi: et quasi novo se discipulatui Beatissimi Apostolorum Principis Petri subditam, ejusque tutandam patrocinio gens correcta gaudebat.'

The change would appear not to have been effected without opposition. The Irish annals of Tighernach record, under the year 717, the banishment of the Columbite monks from the Pictish dominions: 'expulsio familiae Ie trans Dorsum Britanniae a Nectano Rege.' But they submitted next year to the observances which he had enjoined: 'tonsura coronae super familiam Iea datur.'—(O'Conor, Rer. Hibern. Script. vol. ii. pp. 228, 229, vol. iv. p. 74.)

In Iona itself the new rites were adopted in the year 716.—(Bede, Hist. Eccl. Gent. Angl. lib. iii. cap. 4; lib. v. cap. 22. Tighernach, Rer. Hib. Script. vol. ii. p. 228: 'Pasca in Eo civitate commutatur.')

[3] They are reprinted in the Appendix (No. II. p. 231) from the Thesaur. Nov. Anecdot. t. iv. col. 9, where they were published from a fine MS. 'ante annos septingentos exaratum,' which formerly belonged to the monastery of Fécamp, and was then in the Bigot Library at Rouen. 'Post Canonem Hibernensium compilationem,' say

whether the synod which enacted them was not held in North Wales rather than in Scotland.[1]

Of the two or three Councils, again, which are ascertained to have

the Benedictine editors, 'in eodem codice Bigotiano extant Fragmentum Synodi Hibernensis, Gildae praefatio de Poenitentia, Synodus Aquilonalis Britanniae, altera Synodus Luci Victoriae, Excerpta quaedam ex libro Davidis, Synodus dicta Sapientia, Excerpta de Libris Romanorum et Francorum, Canones Adomnani, Canones Synodi Hiberniae, cum brevi Libello de Remediis Peccatorum, octo constante capitulis, ex scriptis Theodori maxima ex parte compacto.'

[1] They were claimed for Scotland by the late Dr. Lanigan (Eccl. Hist. Irel. vol. iv. p. 379), and I have deferred to his judgment so far as to give them a place in the Appendix.

Did North Britain in the eighth, ninth, and tenth centuries, mean Scotland or North Wales?

I need scarcely say that in the age to which these Canons must be referred, 'Britannia' was an ambiguous word. It might mean, to say nothing of Brittany, either the whole island of Britain, or only that part of it which we now call Wales. 'Aquilonalis Britannia,' therefore, might well enough denote either Scotland or North Wales, the north part of the island, or the north part of the principality. Perhaps it may have been so used, although I am unable at this moment to recal any instance exactly in point.

Scotland is no doubt spoken of as 'the north part of Britain,' but never, so far as I remember, as 'North Britain,' a distinction which will be seen to be broader than it may seem at first sight. Thus in Bede we have 'septemtrionales Britanniae fines,' and 'septemtrionales Britanniae plagas;' in Adamnan, 'extrema oceani Britannici insula [*i.e.*, Iona];' in an anonymous life of St. Kentigern, 'in septentrionali Britanniae plaga;' in Jocelina of Furness, 'de aquilonaribus partibus Britanniae.'—(Hist. Eccl. Gent. Angl. lib. ii. cap. 5, lib. v. cap. 21. Vit. S. Columb. lib. iii. cap. 23. Acta Sanct., Jan. t. i. p. 816. Vit. S. Kenteg. cap. xxiv.)

On the other hand, so far as I recollect, whenever, in those times, 'North Britain' or 'North Britons' are spoken of, North Wales or the North Welsh are meant. Thus in Florence of Worcester, we have 'Septentrionali Britannia' and 'Septentrionalem Britanniam;' in William of Malmesbury, 'Northwallos, id est Aquilonales Britones,' 'North-Wallensium, id est, Brittonum Aquilonalium;' and in Æthelweard, 'Aquilonales Brittanos,' and again in Florence of Worcester, 'Septentrionalium Britonum,' as the equivalents of the 'Nordth Wealas' or 'North Welsh,' and 'Septentrionalem Britanniam' as the equivalent of the 'Nordthwalum' or 'North Wales,' of the Anglo-Saxon Chronicle.—(Florent. Wigorn. Chron. A.D. 827-8, 895, 915, 973, 997, 1000. W. Malmsb. Vit. Aldh., in Ang. Sacr. t. ii. p. 14. W. Malmsb. De Gest. Reg. Angl. lib. ii. p. 50. edit. 1601. Ethelwerd. Chron. lib. iii. cap. 2. Anglo-Saxon Chron. A.D. 828, 895, 918, 922, 997. Monument. Hist. Brit. pp. 344, 368, 377, 406, 510, 548, 566, 570, 578, 582, 583.)

Cambria and Lothian sometimes spoken of as Britain, or North Britain, after the tenth century.

After the tenth century, when the country to the north of the Forth had come to be known as 'Scotland,' the name of 'Britain' still lingered in a restricted or distinctive sense to denote the country to the south of the Forth, more especially the old principality of Strathclyde or Cumbria, the region now divided into the shires of Dunbarton, Renfrew, Ayr, Lanark, Peebles, Selkirk, Roxburgh, Dumfries, and Cumberland. Thus, Tighernach, in chronicling the death of Malcolm, the son of Donald, King of Cumbria, in A.D. 997, calls him 'Righ Bretan tuaisc,' 'Rex Britonum borealium.' Thus, too, the Bishop of Glasgow was the 'Episcopus Britonum,' as distinguished from the 'Episcopus Scotorum,' the Bishop of St. Andrews. So also, Stirling was described as in Scotland on the marches of Britain—'in Scotia, ad fines Britanniae'—and the Forth at Stirling (itself called the Scots Water) was said to divide Scotland from Britain: 'inter Britanniam et Scotiam, utriusque marginem apprehendens;' 'Scotiam et Britanniam intermedians sive connectens.'—(Rer. Hib. Script. vol. ii. pp. 267, 268. Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 400, 402. J. de Ford. Scotichron. lib. viii. cap. 79, lib. xii. cap. 20.)

In the same way Lothian is spoken of as in 'Brittannia Septentrionali,' in a Life of St. Kentigern written between A.D. 1147 and A.D. 1164, and as 'Septentrionalis Britannie pars' in the Breviary of Aberdeen, printed in A.D. 1510, and believed to have been compiled a few years before, but no doubt repeating the language of a much earlier age.—(Reg. Episc. Glasg. vol. i. pp. lxxix. xcvi. Brev.

been assembled in Scotland, before the twelfth century,[1] hardly anything is known except that they met.

Enfranchisement of the Scottish Church from Pictish bondage, A.D. 878-896.

Thus, of an ecclesiastical act, obviously of no small moment, towards the close of the ninth century, nothing more is related than that Girg, the son of Dungal, was the first King who gave freedom to the Scottish Church, which until that time was in bondage after the manner and usage of the Picts.[2]

Aberd. par. estiv. Prop. Sanct. fol. xxxiiii.) Cf. Rees' Ess. on Welsh Saints, pp. 202-208.

Ecclesiastical Laws attributed to Kenneth MacAlpine, to Malcolm MacKenneth, and to Macbeth, A.D. 843-1057.

[1] Wilkins, following Spelman, gave a place in his Concilia to the ecclesiastical chapters of the laws ascribed to King Kenneth MacAlpine about the year 850, and to King Macbeth MacFinleg about the year 1050.—(Conc. Mag. Brit. et Hib. vol. i. pp. 179-181, 310.)

If Thomas Innes had not seemed disposed at one time to regard the MacAlpine Laws as genuine, it might have been needless to say that they are now universally acknowledged to be spurious.—(Crit. Ess. vol. ii. p. 587. De Synod. Vet. ap. Scot. in Wilk. Conc. Mag. Brit. et Hib. vol. i. p. xxvii. Lord Hailes' Hist. Mem. Prov. Counc. Scot. in Ann. of Scot. vol. iii. p. 224. Pinkert. Enq. Hist. Scot. vol. ii. p. 178. Chalm. Caled. vol. i. pp. 376, 439. Mr. Grub's Eccl. Hist. Scot. vol. i. pp. 163, 164.)

The Laws of Macbeth are equally spurious. They rest on no better authority than Boece, who is also the only authority for a Council said to have been held at Forfar, by King Grig, about A.D. 878.—(Chalm. Caled. vol. i. pp. 439, 440.)

The Laws of King Malcolm MacKenneth, said to have been adopted in a Council at Perth, about A.D. 1020, at one time received more consideration, but since the days of Lord Hailes they have been rejected as bearing obvious marks of forgery.—(Inq. Leg. Malc. in Ann. of Scot. vol. iii. pp. 327-341. Act. Parl. Scot. vol. i. pp. 344-348. pref. pp. 45, 46.)

Assembly at Forteviot, about A.D. 860.

About A.D. 860, in an assembly held at Forteviot, King Donald MacAlpine seems to have renewed the laws made by King Eth MacEcdach in the previous century: 'In hujus tempore, jura ac leges regni, Edi filii Ecdach, fecerunt Goedeli cum Rege suo in Fothiurthabaicht.' What were the laws thus ratified is unknown; 'verum,' T. Innes admits, 'videntur ad statum potius civilem regni spectasse, quam ad ecclesiasticum.'—(Chron. Pict. in T. Innes' Crit. Ess. vol. ii. p. 783; in Pinkert. Enq. Hist. Scot. vol. i. p. 495. Wilk. Conc. Mag. Brit. et Hib. vol. i. p. xxvii.)

Character of Scottish Councils before A.D. 1125.

Thomas Innes remarks generally of the seven Councils which he claims for Scotland between A.D. 843 and A.D. 1125: 'Conventus sive Concilia hac aetate apud Scotos habita, speciem potius habent Comitiorum seu Conciliorum Gallicanorum, quae tempore Caroli Magni et successorum ejus habita sunt, in quibus edita sunt Capitularia, quam Conciliorum sive Synodorum Episcopalium. In iis utique intererant non Episcopi modo, sed et proceres, una cum ipso Rege; et capitula seu statuta edita, non ad ecclesiasticam tantum, sed etiam aliquando ad politiam civilem spectant. Sic etiam in Anglia hisce temporibus, id est seculis nono, decimo, et undecimo, habebantur quandoque Concilia, quibus non tantum Episcopi, sed et Reges at Duces intererant, ut ex eorum subscriptionibus patet. Conventus autem, sive Concilia habita his temporibus in Scotia, ejusdem videntur fuisse generis; quippe leges sive canones ab iis editi, non ad res sacras tantum pertinebant, sed et ad civiles; et in eorum convocatione et sanctionibus Regia magis quam Episcopalis eminere videtur auctoritas.'—(De Vet. Syn. ap. Scot. in Wilk. Conc. Mag. Brit. et Hib. vol. i. p. xxvii.; in T. Innes' Civ. and Eccl. Hist. Scot. p. xl.)

[2] 'Girg mac Dungal [regnavit] duodecim annos. . . . Et hic primus dedit libertatem ecclesiae Scoticanae quae sub servitute erat usque ad illud tempus ex constitutione [al. consuetudine] et more Pictorum.'—(Excerpt. Regist. S. Andreae, in T. Innes' Crit. Ess. vol. ii. pp. 801, 802.)

'Grig sua jura gerens annis decem Rex fit et octo:
Qui dedit ecclesie libertates Scoticane,
Que sub Pictorum lege redacta fuit.'

—(Chron. Ryth. in Chron. de Mailr. p. 224.)

'Lez Cronicles Descoce tesmouent qe cesti Girg

Council or Assembly at Scone, A.D. 906.

The record of a Council held in the beginning of the tenth century, is scarcely less obscure. All that it tells is that Constantine the King and Kellach the Bishop swore together with the Scots, on the Mount of

. . . dona primerment franchiz as eglis Descoce qaueunt lo hour estoint en seruitude dez laye as vsages de Picys.'—(Scalacronica, pp. 116, 117.)

'This Gregor Kyng, that slayne had Hede,
Kyng was regnand in hys stede
Auchtene wynter, and than he
In gret state held that reawte.
The Kyrk of Scotland, befor hys dawys
That grevyd wes be the Peychtis lawys,
He relewyd in gret fredome,
Fra in the kyeryk King he come.'

—(Wynt. Orig. Cron. Scot. book vi. chap. ie. vol. i. p. 174.) Cf. J. de Ford. Scotichron. lib. iv. cap. 17.

What was the 'servitus ex constitutione et more Pictorum' from which Girg MacDungal freed the Scottish Church?

What was the Pictish servitude from which King Girg relieved the Scottish Church?

Pinkerton supposed it to be 'the subjection of the Pikish churches to Hyona, from which they were delivered by erecting St. Andrewe into a bishopric.'—(Enq. Hist. Scot. part vi. chap. 1.) Mr. E. W. Robertson thinks it was 'nothing more than the transfer of the privileges which had latterly belonged to Dunkeld, to the monastery endowed by the younger Angus [at] St. Andrews.'—(Scotl. und. her Early Kings, vol. i. p. 50.)

But Mr. Grub well remarks that 'it is not easy to see how a translation of the seat of the primacy from a Scottish to a Pictish church, or from one Pictish church to another, could be called an enfranchisement from the servitude which had before existed according to the custom of the Picts.'—(Eccl. Hist. Scot. p. 168.)

I owe to the learned ingenuity of Mr. William Forbes Skene the suggestion that the servitude may have been the exaction of some such secular services from the clergy and monks among the Picts, as we know to have been exacted about the same time from the clergy and monks among the English.

Secular services exacted from the English Church, in the eighth and ninth centuries.

St. Boniface, archbishop of Mentz, himself an Englishman, writes to Cudhberth, archbishop of Canterbury, about A.D. 745: 'De violenta quoque monachorum servitute, operibus et aedificiis regalibus, quae in toto mundo Christianorum non auditur facta, nisi tantum in gente Anglorum; quod sacerdotibus Dei non tacendum nec consentiendum est, quod inauditum malum est praeteritis seculis.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 93: cf. p. 89.) Dr. Lappenberg remarks that this declaration is confirmed by the language of the charters of donation to the English monasteries, 'whereby they were bound to pay not only the *trinoda necessitas*, the *brycg-bôt*, *burh-bôt*, and *fyrd*, or contribution for keeping in repair the bridges and fortresses, and for the maintenance of the military levy, but were sometimes also taxable like the rest of the community, and bound to harbour and maintain in their monasteries the King's huntsmen and followers.'—(Hist. of Engl. und. Angl.-Sax. Kings, vol. i. p. 198. Mr. Thorpe's transl.)

The much-controverted grant of King Ethelwulf in the year 854 freed a portion at least of the church-lands from all secular services and burdens —'ab omni regali servitio, et saecularium absoluta servitute;' and the 'Laws of the Northumbrian Priests,' about a century later, guarded against any attempt to bring back a church to the bondage from which it had been set free: 'If any one reduce a church to servitude, let him make *bot* according to *lah-slit*.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 183, 186, 219. Lingard, Hist. and Antiq. of Angl.-Sax. Church, vol. i. pp. 240, 249. Lappenberg, Hist. of Engl. und. Angl.-Sax. Kings, vol. i. p. 199. Kemble, Sax. in Engl. vol. i. pp. 482-490. Thorpe's Anc. Laws of Engl. p. 417.)

The pages of Bede (Hist. Eccl. Gent. Angl. lib. v. capp. 21-23) are sufficient to show the close relations between the English church and the Pictish church in the first half of the eighth century; and it seems not unreasonable to suppose that the 'servitude after the manner and custom of the Picts,' from which King Girg delivered the Scottish church towards the end of the ninth century, may have been much the same kind of servitude in the English church which St. Boniface deplored in the middle of the eighth, which King Ethelwulf sought to lighten or remove in the middle of the ninth, and the restoration of which was forbidden by the church law of Northumberland, about the middle of the tenth century.

Immunity of the church lands of St. Andrews from lay services.

How eagerly freedom from lay services was coveted by Scottish churchmen may be seen from the care of the Culdees or Canons of St. Andrews to record that the Boar's Range was granted 'tanta liber-

Belief, beside the royal city of Scone, to keep the laws and customs of the faith, and the rights of the churches and the Gospels, so that from that day to this that Mount has had the name of the Mount of Belief.[1]

tate, at illius inhabitatores liberi et quieti semper existerent de exercitu, et de operibus castellorum, et pontium, et de inquietatione omnium saecularium exactionum;' and that the lands given to the Culdee Hermits of St. Serf's Inch in Lochleven by King Macbeth and Queen Gruoch, were given 'cum omni libertate,' 'absque omni munere et onere et exaccione Regis et filii Regis, vicecomitis et alicuius, et sine refeccione pontis, et sine exercitu et nenacione.'—(Hist. B. Reg. in Pinkert. Enq. Hist. Scot. vol. i. p. 461. Regist. Priorat. S. Andr. p. 114.)

Immunity of the church lands of Deer from secular services.

If the clerics of Deer had not been equally anxious to establish their immunity from secular service, the margins of their venerable Gospel would not have been filled with Celtic memorials how the Mormaer of Buchan and the Toschach of Clao Morgainn freed all the possessions bequeathed to St. Drostan, St. Columkille, and St. Peter from all burden for ever except so much as would fall on four davachs, of such burdens as fell upon the chief monasteries of Alba generally, and upon the chief churches.—(Lib. Clericorum de Deer, fol. 5. ms. Camb. Pub. Lib. Ii. 6. 32.)

The Irish Church subject to secular services until the end of the twelfth century.

The Irish Church was not delivered from the oppression of secular burdens until the year 1172, when they were forbidden by a canon of the Council of Cashel: 'Quod omnes terrae ecclesiasticae et earum possessiones [l. possessores] ab omni secularium hominum exactione penitus sint immunes: et specialiter, quod nec reguli, nec comites, nec aliqui potentes viri Hiberniae, nec eorum filii cum familiis suis, cibaria et hospitalitates in territoriis ecclesiasticis, secundum consuetudinem, exigant, nec amodo violenter extorquere praesumant: et quod de villis ecclesiarum cibus ille detestabilis, qui quater in anno a vicinis comitibus exigitur, de caetero nullatenus exigatur.'—(Girald. Camb. Hib. Expugn. par. i. cap. xxxiiii. in Camd. Rer. Anglic. Script. p. 777; in Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 473.)

[1] 'Constantinus filius Edii tenuit regnum XL. annis. . . . cujus tertio anno Normanni praedaverunt Duncalden omnemque Albaniam. . . . Ac in VI. anno Constantinus Rex et Cellachus Episcopus leges disciplinasque fidei, atque jura ecclesiarum evangeliorumque, pariter cum Scottis, in Colle Credulitatis prope regali civitate Scoan, devoverunt custoditur [l. custodiri]. Ab hoc die collis hoc [nomen] meruit, id est, Collis Credulitatis. . . . Et in senectute decrepitus baculum cepit [Rex Constantinus], et Domino servivit, et regnum mandavit Mael filio Domnail.'—(Chron. Pict. in Pinkert. Enq. Hist. Scot. vol. i. pp. 495, 496; in T. Innes' Crit. Ess. vol. ii. pp. 785, 786; in Wilkins' Conc. Mag. Brit. et Hib. vol. i. p. 204.)

How did Scone become the Scottish capital?

This, I believe, is the first mention of Scone in our annals, as the scene of a national assembly. In the absence of all information how it came to be recognised as the chief seat of Scottish empire—the resting-place of the Lia Fail, and other venerable memorials—the spot where councils deliberated, and kings were enthroned—may I be allowed to hazard the conjecture that the relics of St. Columba, which seem to have been enshrined at Dunkeld about the year 849, may have been carried from Dunkeld to Scone about the year 903, when Dunkeld was laid waste by the Norsemen? Mr. Grub remarks that 'from that time, the superiors of Dunkeld appear to have been not ecclesiastics, but laymen of high rank, bearing the name of abbots, and inheriting the possessions of the monastery.'—(Eccl. Hist. Scot. vol. i. p. 167.)

King Edward I. carries away its Sacred Stone, Crosier, and Bell, A.D. 1296.

The veneration which hung around Scone is remarkable. It was in vain that King Edward the First ruined its ancient abbey, cast its abbot into prison, made spoil of the Bachal and the Clocc, the Crosier and the Bell, of its unknown Saint, and carried away the Prophetic Stone, to fulfil its fate on the banks of the Thames. No outrage or desolation could make the people forget the traditions of the place, or cease to regard it as the seat and symbol of Scottish sovereignty. The English king, therefore, determined that it should be razed to the ground and its very name blotted out. For this purpose he addressed himself to Pope Clement V., who commissioned the Archbishop of York and the Bishop of Ely to make inquiry whether the abbey and the relics of the saints by which it was hallowed, might not be removed to another place. The English prelates reported in accordance with the King's wishes, and he lost no time in despatching a messenger to Rome to urge the transference

resolves to raze it to the ground, A.D. 1306.

Councils in the reign of King Malcolm and St. Margaret, A.D. 1070-1093.

Even of the synods at the end of the eleventh century, in which St. Margaret laboured to bring the Scottish Church into conformity with the English,[1] the information which has reached us is sadly imperfect,

of the abbey from the midst of a perverse people to some spot where it would be less dangerous to the King and the realm of England: 'abbatiam de Scone in Scotia, in medio perversae positam nationis, per quam nobis et regno nostro nonnulla dispendia provenerunt . . . non sine causa rationabili, ad locum alium tutiorem transferri.' The King's death, six months afterwards, saved Scone for the time, leaving it to be swept away by Scottish hands, almost in our own day, but not until a King of Scotland had been crowned King of England upon its Fated Stone at Westminster, not until its own ruins had beheld the inauguration of his grandson, the last sovereign crowned in Scotland.—(Lib. Eccl. de Scon. pp. 5, 89, 98. Wright's Polit. Songs of Engl. pp. 307, 397. Camd. Soc. 1839. Foedera, vol. i. pp. 988, 1003, 1009. edit. 1815. Wynt. Orig. Cron. Scot. vol. ii. p. 461.)

How came the old Earls of Fife by the right of seating the Scottish King on his throne at Scone?

It would seem that the ancient Earls of Fife—the chiefs of Clan MacDuff—had the privilege of placing the King of Scots in the King's Seat at Scone on the day of his inauguration. They may have inherited the right by descent either from a lay abbot of Scone or from a Chief Brehon or Great Judge of Scotland. In Ireland, the right of inaugurating the O'Neill belonged to the Primate of Armagh, the successor of St. Patrick; the right of inaugurating the princes of Tirconnel to the O'Firghils, the hereditary coarbs, or lay abbots, of Kilmacrenan; and a chief part in the inauguration of the chiefs at Tullaghoge, was assigned to the O'Hagans, the hereditary rechtaires or lawgivers of the province.—(Foedera, vol. i. p. 785. O'Donovan's Tribes and Customs of Hy-Fiachrach, p. 432. Dr. Reeves' Adamn. Life of St. Columb. p. 199. Mr. King's Primacy of Armagh, pp. 19, 32, 38.)

The first Earl of Fife, who is certainly known—Ethelred, the son of St. Margaret—was an abbot as well as an earl; the first who can be claimed as of the race of Macduff, appears in contemporary record as 'Magnus Judex in Scotia;' and the judicial function of the King's Mair seems to have been hereditary in his descendants in the reign of King Alexander II.—(Reg. Priorat. S. Andr. pp. 116, 117. Act. Parl. Scot. vol. i. p. 68.)

[1] St. Margaret had Turgot, prior of Durham, for her chaplain and confessor. She filled her abbey at Dunfermline with Benedictines from Canterbury. She chose Lanfranc, archbishop of Canterbury, for her spiritual father. She sought out the church in Scotland which was dedicated to one of his canonized predecessors, St. Laurence, and violated the traditions of the country in her anxiety to do it honour.

St. Laurence of Canterbury in Pictland, A.D. 605-619;

Bede has preserved the letter on the observance of Easter, which was addressed to the Scots of Ireland and of Britain, by the immediate successor of St. Augustine in the see of Canterbury.—(Hist. Eccl. Gent. Angl. lib. ii. cap. 4.) Later writers add that he made a journey into Pictland, and was there visited by St. Ternan. The chief field of the labours of that Apostle of the Picts, as he was called, was the Mearns; and here, not far from the tomb of St. Palladius, a church arose dedicated in honour of the English Primate, and called after him Laurencekirk. The rest may be told in the words of a monk of Canterbury: 'In villa quadam Forduna ecclesiam in honore ipsius post ejus obitum incolae condiderunt, quae tanto sanctimoniae candet privilegio, ut nulla unquam foeminarum hanc intrare possit. Deo autem amabilis Regina Scotiae S. Margareta, pia religione cum cereis aliisque sacris oblationibus coepit hanc velle intrare. Cui ad portam atrii occurrentes Canonici instanter orant, ne transgrediatur legem sacrosancti instituti, et offensam incurrat ibi praesidentis patroni. At illa respondens se potius sacrum locum honorare et exaltare velle, urget propositum. Vix atrium attigerat, cum subito diris totius corporis stimulata cruciatibus, exclamare coepit: *Cito*, inquit, *me hinc auferte; ecce jam morior*. Orantibus pro ea Clericis, Regina salute recepta, ecclesiam cruce argentea et calice praecipuo aliisque donis exornat, et S. Laurentium jugi veneratione invocat, quem adire corpore nequibat.'—(Acta Sanct., Feb. t. i. p. 294.)

St. Margaret attempts to enter his church at Laurencekirk in Kincardineshire, but is repulsed, A.D. 1070-1093

The story is referred to by Gosceline of Canterbury, in his account of the translation of St. Augustine, written A.D. 1098, five years after St. Margaret's death: 'De B. Laurentio dulce esset memoratu . . . qua poena arceatur omnis feminarum accessus ab ecclesia, quae ejus apostolatui

although it comes from the pen of one who at the time was her chaplain and confessor, and afterwards became Bishop of St. Andrews. We are told only that in one Council, the greatest of all, the pious Queen, like another St. Helena, contended for three days almost alone against the supporters of the Scottish usages; that King Malcolm, her husband, who spoke English, French, and Irish with equal ease, interpreted between her and the clergy; that he was ready to say or to do whatever she commanded;[1] and that among the many abuses which the Council was thus persuaded to condemn were the commencement of Lent not on Ash Wednesday but on the Monday after it, so that the fast lasted thirty-six days only instead of forty;[2] the not partaking of the Holy Communion on Easter

exstructa et consecrata est in Scotia: ut nuper Regina Scotiae inclita Margareta, cum oblationibus aditum tentare ausa, subito sit percussa atque repulsa, sed clericorum prece restitata.'—(Acta Sanct., Maii t. v. pp. 881-883.)

'Herculis aedem mulier non intrat.' Reginald of Durham relates, with his usual vivacity, how when St. Margaret's son, King David, was bringing his Queen to Scotland, her chambermaid met a similar repulse in attempting, in the garb of a monk, to penetrate to the shrine of St. Cuthbert at Durham.—(Lib. de Admir. Virt. B. Cuthb. cap. lxxiv. pp. 151-154.)

St. Margaret in a Scottish Council, A.D. 1070-1093.

[1] 'Cum enim contra rectae fidei regulam, et sanctam universalis ecclesiae consuetudinem, multa in gente illa [sc. Scotorum] fieri perspexisset, crebra Concilia statuit, ut quoquomodo valeret, ad veritatis viam errantes Christo donante reduceret. Quorum Conciliorum illud caeteris principalius esse constat, in quo sola, cum paucissimis suorum, contra perversae consuetudinis assertores, gladio Spiritus, quod est Verbum Dei, triduo dimicabat. Crederes alteram ibi Helenam residere: quia sicut illa quondam Scripturarum sententiis Judaeos, similiter nunc et haec Regina convicerat erroneos. Sed in hoc conflictu Rex ipse [sc. Malcolmus filius Duncani, dictus *Ceanmohr*] adjutor ei praecipuus residebat; quodcunque in hac causa illa jussisset, dicere paratissimus et facere. Qui, quoniam perfecte Anglorum linguam aeque ut propriam noverat, vigilantissimus in hoc Concilio utriusque partis interpres extiterat.'—(Turgoti, Prioris Dunelmensis, Vita S. Margaritae, cap. ii. § 13, in the Act. Sanct., Jun. t. ii. p. 331; in Wilk. Conc. Mag. Brit. et Hib. vol. iv. p. 791, from a transcript made by T. Innes from the Cotton MS. Tiber. D. III. no. 45; in Pinkert. Vit. Antiq. Sanct. Scot. p. 339.)

King Malcolm's three languages.

Turgot says that the King knew English as well as his native tongue. The Scotichronicon adds that he was not less familiar with French: 'Anglicam enim linguam simul et Romanam, aeque ut propriam, plene didicerat, cum post patris sui mortem quatuordecim annis in Anglia mansisset.'—(J. de Ford. Scotichron. lib. v. cap. 16: cf. lib. i. cap. 20.)

The Lent fast in the Scottish Church did not begin till the Monday after Ash Wednesday, A.D. 1070-1093.

[2] 'Igitur Regina, praefatione praemissa, ut, qui cum Catholica Ecclesia in una fide uni Deo servirent, ab eadem ecclesia novis quibusdam et peregrinis institutionibus discrepare non deberent; primum proposuit, eos Quadragesimale Jejunium non legitime observare, quia hoc non cum sancta ubique Ecclesia, a feria quarta in Capite Jejunii, sed sequenti septimana feria secunda consueverant inchoare. Contra illi: *Jejunium*, inquiunt, *quod agimus, Evangelica auctoritate, quae Christi narrat jejunium, per sex hebdomadas observamus.* At illa: *Longe*, ait, *in hoc ab Evangelio discordatis: legitur enim ibi, Dominum quadraginta diebus jejunasse, quod manifestum est vos non facere. Nam cum per sex hebdomadas sex Dominici dies a jejunio subtrahuntur, triginta tantum et sex dies ad jejunandum remanere noscuntur. Non ergo Evangelica auctoritate quadraginta, sed triginta et sex dierum constat vos observare jejunium. Restat itaque ut quatuor diebus ante Quadragesimae initium jejunare nobiscum incipiatis, si Dominico exemplo quadraginta dierum*

day;[1] the celebration of the Mass, by certain priests, in some parts of the country, after an uncouth barbarous ritual, contrary to the custom of the rest of Christendom;[2] the neglect of Sunday, so that people worked on it as freely as on other days;[3] and marriages within forbidden degrees

numero abstinentiam observare volueritis: alioquin contra ipsius Domini auctoritatem, et totius Sanctae Ecclesiae vos soli repugnabitis traditionem. Hac illa perspicua veritatis ratione convicti, deinceps, sicut Sancta ubique solet Ecclesia, sacrorum jejuniorum caeperunt inchoare solennia.'—(Vit. S. Marg. cap. ii. § 14.)

It need scarcely be said that in beginning the Lent Fast on the Monday after Quadragesima Sunday, the Scottish Church only followed the old usage of Western Christendom. Ash Wednesday and the three following days were not added to the Fast until the time of Pope Gregory the Great (A.D. 590-604), or, as some hold, of Pope Gregory II. (A.D. 715-731.) In Ireland, as late probably as the tenth century, the Fast did not begin until the Saturday before the First Sunday in Lent. Even in the south of Italy, in the days of St. Margaret, a Council in which Pope Urban II. presided, found it necessary to forbid flesh to the laity after Ash Wednesday. And the church of Milan, the see of St. Ambrose, still observes the usage of the Scottish Church before the reform of St. Margaret.—(Bingh. Antiq. Christ. Ch. book xxi. chap. i. §§ 3-5. Lanig. Eccl. Hist. Irel. vol. i. pp. 250, 251. Labb. et Coss. Conc. t. x. col. 484. Act. Sanct., Jun. t. ii. p. 332. T. Innes, in Wilk. Conc. Mag. Brit. et Hib. vol. iv. p. 791.)

Non-reception in the Scottish Church of the Eucharist on Easter-day, A.D. 1070-1093.

[1] 'Aliud quoque proponens Regina, jussit ut ostenderent, qua ratione die sancto Paschae, secundum morem Sanctae et Apostolicae Ecclesiae, sacramenta corporis et sanguinis Christi sumere negligerent. Respondentes illi: *Apostolus*, inquiunt, *de his loquens, ait:* QUI MANDUCAT ET BIBIT INDIGNE, JUDICIUM SIBI MANDUCAT ET BIBIT. *Unde quia nos peccatores recognoscimus, ne judicium nobis manducemus et bibamus, ad illud mysterium accedere formidamus.* Quibus Regina: *Quid igitur?* inquit, *Omnes qui peccatores sunt, sacrosanctum mysterium non gustabunt? Nemo ergo illud sumere debet, quia nemo sine sorde peccati, nec infans cujus est unius diei vita super terram. Si autem nemo illud percipere debet, cur Domino dicente clamat Evangelium?* NISI MANDUCAVERITIS CARNEM FILII HOMINIS, ET BIBERITIS EJUS SANGUINEM, NON HABEBITIS VITAM IN VOBIS. *Sed plane sententiam, quam de Apostolo profertis, secundum Patrum intellectum aliter necesse est intelligatis; non enim omnes peccatores sacramenta salutis indigne sumere deputat. Cum enim dixisset,* JUDICIUM SIBI MANDUCAT ET BIBIT: *addidit,* NON DIJUDICANS CORPUS DOMINI *(hoc est non separans illud in fide ab escis corporalibus)* JUDICIUM SIBI MANDUCAT ET BIBIT. *Sed et ille qui absque confessione et poenitentia, cum suorum inquinamentis scelerum, ad sacra mysteria accedere praesumpserit; ille, inquam, judicium sibi manducat et bibit. At nos, qui multis ante diebus, facta peccatorum confessione, poenitentia castigamur, jejuniis attenuamur, eleemosynis et lacrymis a peccatorum sordibus abluimur; in die Resurrectionis Dominicae, ad ejus mensam in Catholica fide accedentes, carnem et sanguinem Agni immaculati Jesu Christi, non ad judicium, sed ad peccatorum summus remissionem, et ad salutarem percipiendae beatitudinis aeternae praeparationem.* His ab ea perceptis, respondere nihil potuerunt; atque agnita deinceps Ecclesiae institata, in mysterii salutaris perceptione, observavaruot.'—(Vit. S. Marg. cap. ii. § 15.)

Lord Hailes, mistaking the meaning of this passage, cites it as proof that 'the clergy of Scotland had ceased to celebrate the communion of the Lord's Supper.'—(Ann. of Scot. vol. i. p. 42.) Obviously nothing more is implied than that from a superstitious regard for the sanctity of Easter, it was the practice not to partake of the Eucharist on that day. The interpretation of Scripture, by which it was sought to justify this practice, still obtains in some parts of the Scottish Highlands, where not to receive the communion is a mark of scrupulous piety.

Mass said in some parts of Scotland after a barbarous ritual, A.D. 1070-1093.

[2] 'Praeterea in aliquibus locis Scottorum quidam fuerant, qui contra totius ecclesiae consuetudinem, nescio quo ritu barbaro, Missas celebrare consueverant: quod Regina, zelo Dei accensa, ita destruere atque annihilare studuit, ut deinceps qui tale quid praesumeret, nemo in tota Scottorum gente appareret.'—(Vit. S. Marg. cap. ii. § 16.)

[3] 'Solebant quoque neglecta Dominicorum dierum reverentia, ita illis, sicut et aliis diebus, quibusque terreni operis insistere laboribus: quod non licere,

of affinity, as between a man and his stepmother, and between a man and his brother's widow.[1]

Attempted erection of St. Andrews into an Archbishopric, A.D. 1125.

The assimilation of the Scottish Church to the English, thus begun by St. Margaret, continued to advance, with still quickening strides, during the reigns of her sons King Edgar, King Alexander, and King David. The work might have been regarded as accomplished, if David's attempt to procure the erection of St. Andrews into an Archbishopric, had suc-

Neglect of Sunday among the Scots, A.D. 1070-1093.

ratione pariter et auctoritate, ipsa ostendebat. *Dominicum*, inquit, *diem, propter Dominicam quae in eo facta est resurrectionem, in veneratione habeamus: et in eo servilia opera jam non faciamus, in quo nos a servitute Diaboli redemptos novimus. Hoc etiam Beatus Papa Gregorius affirmat, dicens:* DOMINICO DIE A LABORE TERRENO CESSANDUM EST, ATQUE OMNIMODO ORATIONIBUS INSISTENDUM; UT SI QUID NEGLIGENTIAE PER SEX DIES AGITUR, PER DIEM RESURRECTIONIS DOMINICAE PRECIBUS EXPIETUR. *Idem quoque Pater Gregorius, quemdam propter opus terrenum, quod die Dominico fecerat, districta increpatione feriens, eos quorum hoc consiliis egerat, duobus mensibus excommunicatos esse decrevit.* His sapientia Reginae rationibus contraire non valentes, ita postmodum reverentiam Dominicorum dierum ejus instantia observarunt, ut nec onera quaelibet his diebus quisquam portare, nec alius alium ad hoc auderet compellere.'—(Vit. S. Marg. cap. ii. § 16.)

Marriage among the Scots within the forbidden degrees, A.D. 1070-1093.

Other abuses in the Scottish Church, A.D. 1070-1093.

[1] 'Illicita etiam novercarum conjugia, similiter et uxorem fratris defuncti fratrem superstitem ducere, quae ibi antea fiebant, nimis ostendit execranda, et a fidelibus velut ipsam mortem devitanda.

'Multa quoque alia, quae contra fidei regulam et ecclesiasticarum observationum instituta inoleverant, ipsa in eodem Concilio damnare, et de regni sui finibus curavit proturbare. Universa enim quae proposuerat, ita Sanctae Scripturae testimoniis, atque Sanctorum Patrum corroboravit sententiis, ut contra haec nil omnino respondere valerent; quia potius deposita pertinacia, rationi acquiescentes, universa libenter implenda susciperent.'—(Vit. S. Marg. cap. ii. § 16.)

The pages of Bede show the prevalence of marriage between son and stepmother among the English in the beginning of the seventh century.—(Hist. Eccl. Gent. Angl. lib. i. cap. 46. § 5.)

Marriage with a brother's widow seems to have been especially common in Ireland.—(J. L. Villan. S. Patric. Synod. et Opusc. pp. 108, 137, 138. Girald. Cambr. Topog. Hibern. dist. iii. cap. 19. Lanig. Eccl. Hist. Irel. vol. iv. pp. 69, 70, 284.)

Nearly a century after St. Margaret's reform in Scotland, Pope Alexander III. wrote of the Irish: 'Novercas suas publice introducunt, et ex eis non erubescunt filios procreare; frater uxore fratris, eo vivente, abutitur; unus duabus se sororibus concubinis immiscet; et plerique illorum, matre relicta, filias introducunt.'—(Foedera, vol. i. p. 45.)

A living writer, from whom I am unwilling to dissent, seems to think that Turgot viewed the institutions and usages of the Scottish church, before the reform of St. Margaret, 'more unfavourably than the facts altogether warranted.'—(Mr. Grub, Eccl. Hist. Scot. vol. i. pp. 189, 190.) It will at least be admitted that the Prior of Durham has left a much more favourable account of the Scottish church than the Abbot of Clairvaux gave of the Irish church half a century afterwards.—(S. Bernard. Vit. S. Malach. in Messingh. Florileg. Ins. Sanct. pp. 352-376.) Nor should it be forgotten that Turgot is silent as to abuses among the Scots, of which we hear from others, such as the custom of selling their wives, which Pope Gregory VII. required Lanfranc, archbishop of Canterbury, to suppress: 'Tuam vero fraternitatem . . . admonemus quatenus . . . inter omnia et prae omnibus, nefas quod de Scotis audivimus, quod plerique videlicet proprias uxores non solum deserunt, sed etiam vendunt, omnibus modis prohibere contendat: ad haec enim Apostolica auctoritate fultum esse volumus, ut non solum in Scotis hoc scelus, sed etiam in aliis, si quos in Anglorum insula tales esse cognoveris . . . penitus extirpare non differas.'—(Labb. et Coss. Conc. t. x. coll. 306, 307.)

Sale of wives in Scotland, A.D. 1073-1085

ceeded.[1] But it was defeated by the influence of York, which claimed to be Metropolitan of all Britain from the shores of the Humber northwards to the farthest limits of Scotland;[2] and more than three centuries passed before the Scottish Church obtained the pall from

[1] A.D. 1125. 'Persuasum fuerat Papae Scotiam non esse de regno Angliae, quia volebant pallium requirere Episcopo Sancti Andreae, et ita Archiepiscopum ibi creari. . . . Sed Archiepiscopus Turstinus et secreto et palam in curia ostendit Scotiam de regno Angliae esse,' etc.—(T. Stubbs, Chron. Pontif. Eccl. Ebor., in Hist. Angl. Script. Decem, col. 1719.)

Agreement between Canterbury and York, by which York was to be Metropolitan of all Britain north of the Humber, A.D. 1072.

[2] The compact which terminated the controversy between Lanfranc archbishop of Canterbury, and Thomas archbishop of York, at the Council of Windsor, in the year 1072, gave all Britain north of the Humber to the jurisdiction of York: 'quod Eboracensis ecclesia Cantuariensi debeat subjacere, ejusque Archiepiscopi ut Primatis totius Britanniae dispositionibus, in hiis quae ad Christianam religionem pertinent, in omnibus obedire: Subjectionem vero Dunelmensis, hoc est Lindisfarnensis Episcopi, atque omnium regionum a terminis Lichifeldensis Episcopi, et Humbrae magni fluvii usque ad extremos Scotiae fines. . . . Cantuariensis Metropolitanus Eboracensi Archiepiscopo ejusque successoribus inperpetuum obtinere concessit.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 324, 325.)

Scotland was no party to this compact; but is said to have ratified it, A.D. 1072-1093.

There was no representative of Scotland, layman or ecclesiastic, in the Council at which this arrangement was made. But, if a chronicler of York, writing in the fourteenth century, can be trusted, it was afterwards sanctioned, on the part of the Scottish state by King Malcolm and St. Margaret, and on the part of the Scottish church by the Bishop of St. Andrews—as 'the Bishop of the Scots,' 'the High Bishop of Albany,' now began to be called: 'Ad hunc Thomam [Eboracensem Archiepiscopum], consilio et imperio Regis Scotorum Malcholmi et Reginae Margaretae, venit Foderoch Episcopus Sancti Andreae de Scotia, et transgressionem suam confitens, eo quod a Scotis ordinatus fuerat, cum ab Eboracensi Metropolitano jure consecrari debuerit, professionem ipsi Archiepiscopo Thomae suisque successoribus fecit, scriptamque legit et tradidit, quae sic incipit: *Ego Foderoch Scotorum Episcopus, in sede Sancti Andreae Apostoli*, etc. Ipse etiam Episcopus Foderoch, jubente eodem Archiepiscopo Thoma, in Eboraco ecclesias dedicavit.'—(T. Stubbs, Chron. Pontif. Eccl. Ebor. col. 1709.)

The 'Foderoch' of the English annalist is the 'Fothadh ardepscob Albain' of the Irish annals, the 'Fothad secundus' of the Scotichronicon, the 'Fodanus Episcopus' of King Duncan's charter to Durham, the 'Fothawch' of Wyntown, the 'Modach filius Malmykel uir piissime recordacionis Episcopus Sancti Andree cuius a uita et doctrina tota regio Scotorum feliciter est illustrata' of the Register of the Priory of St. Andrews. He seems to have been bishop from the year 1059 to the year 1093.

The claim of York resisted by St. Andrews, A.D. 1109;

His successor Turgot, the biographer of St. Margaret, was consecrated in the summer of 1109 by the Archbishop of York, but with an explicit reservation of the rights of both churches: 'sine ulla subjectionis exactione, salva utriusque ecclesiae auctoritate, ut postea ubi et quando et a quibus ratio exigeretur, debitus finis controversiam utriusque partis dirimeret.'—(Sim. Dunelm. Hist. de Gest. Reg. Angl., in Twysd. Decem Scriptores, col. 207.)

repudiated by the King of Scots, A.D. 1115.

Turgot died in August 1115. The King of Scots, Alexander I., immediately addressed himself to Ralph, archbishop of Canterbury, asking counsel and help in the choice of a successor, and reminding him that of old the Bishops of St. Andrews were consecrated either by the Pope or by the Archbishop of Canterbury, until by a compact unknown to the King, concluded in his absence, and in the absence of his people, Archbishop Lanfranc gave up his right for a time to Archbishop Thomas of York: 'Petimus etiam ut recordari dignemini, quid vobis jam quadam vice suggessimus de Episcopis Ecclesiae Sancti Andreae, quod in antiquis temporibus non solebant consecrari, nisi ab ipso Romano Pontifice, vel ab Archiepiscopo Cantuariensi; hocque tenuimus, et per successiones temporum ex autoritate ratum habuimus, quousque Dominus Lanfrancus Archiepiscopus, nescimus quo pacto, absentibus nobis et nostris, Thomae Eboraci Archiepiscopo illud ad tempus relaxaverat. Quod omnino vestra, si placet, autoritate suffulti,

the tomb of St. Peter, which had been granted to the English in the beginning of the seventh and to the Irish in the middle of the twelfth century.

Councils held by Papal Legates.

So long as they had no Metropolitan, the Scottish clergy could meet in Council only by authority of the Pope,[1] exercised by a Legate in Scotland, or transmitted by rescript from Rome.

For a century after the refusal of the pall to St. Andrews, the few Scottish Councils of which there is mention, were assembled by Legates of the Apostolic See.

Legatine Council at Roxburgh, A.D. 1125.

In the year 1125, the Cardinal John of Crema, Legate from Honorius the Third to England and to Scotland, held a Council at Roxburgh. There is no record of what passed. We know only that the Legate brought letters from the Pope to the King of the Scots, requesting him to receive the Legate with due reverence and honour, and to cause the Scottish bishops to give attendance on his Council when they should be summoned; and informing the King that the Legate was commissioned to make searching inquiry into the long-disputed question between Archbishop Thurstan of York and the Bishops of Scotland, but that the final decision of the controversy was reserved to the judgment of the Papal court.[2] Whatever the Legate may have reported as the issue of his

ut amplius sic remaneat, non concedimus.'—(Eadm. Hist. Nov. p. 117. edit. 1623.)

Lord Hailes, overlooking the Council of Windsor, failed to discover the meaning of this passage.—(Ann. Scot. vol. i. p. 58.)

[1] Gratian, Decret. par. I. dist. xviii. cap. 4: 'Nec liceat aliquibus apud semetipsos Concilia sine Metropolitanorum Episcoporum conscientia et consensu facere.' See below, pp. 3, 9.

[2] 'Anno M.C.XXV. Johannes Cremensis legatus Angliam venit, et ad Regem Dauid apud Rokesburc; et in reditu apud Lundoniam Concilium tenuit.'—(Chron. de Mailr. p. 68.)

'Anno M.C.XXV. . . . Johannes Cremensis accepta ab Apostolico super Britanniam Legatione, cum diu in Normannia retentus esset, a Rege tandem permissus in Angliam transvehitur, et ab ecclesiis honorifice accipitur. . . . Super Scotiae quoque regnum idem Johannes Legati suscepit officium, Apostolico super hoc Regi ipsius gentis has litteras mittente:

Letter from Pope Honorius III. to King David I., 13th April 1125.

Honorius Episcopus servus servorum Dei, dilecto filio David illustri Scottorum Regi, salutem et Apostolicam benedictionem. Oportet devotos et humiles Beati Petri filios quae ad honorem Sanctae Romanae Ecclesiae spectare cognoverint attentius operari. Unde nobilitati tuae rogando mandamus, ut dilectum filium nostrum Johannem Cardinalem cui vices nostras in partibus illis commisimus reverenter suscipias et honores. Episcopos etiam terrae tuae, cum ab eo vocati fuerint, ad

William archbishop of Canterbury made Legate of England and Scotland, A.D. 1127.

inquiries, no judgment was given by the Pope. It was probably to evade a difficulty which he could not overcome, that, in the year 1127, he made the Archbishop of Canterbury Legate of England and of Scotland, and addressed letters to the bishops and clergy of both realms requiring them to meet him in synod when they should be called upon. It does not appear that the Legate, who had already shewn himself on the side of the Scottish bishops against the pretensions of York, attempted any exercise of his office beyond the Tweed.[1]

Legatine Council at Carlisle, A.D. 1138.

Eleven years afterwards, another Cardinal, Alberic bishop of Ostia—the friend of St. Bernard, and the correspondent of Peter the Venerable—visited England and Scotland as Legate of Pope Innocent the Second. He found both countries distracted by war. In September 1138, about a month after the Battle of the Standard, he reached Carlisle, then in the military occupation of the King of the Scots, and held a Council which sat for three days. The Scottish clergy had favoured the cause of the Antipope Anacletus, but they now unanimously submitted to Pope Innocent. King David's old preceptor, Bishop John of Glasgow, had quitted his see without leave, and without provision for the charge of his flock, and, passing into France, had become a monk of Tiron. The Council ordered a King's messenger to be sent to him, with letters as well from the Legate as from the King, charging him to return; and if he refused, sentence was to pass against him. The diocese of Glasgow, extending over the old principality of Cumbria, stretched southwards into England as far as Rerecross on Stanmore, until the year 1132, when King Henry the First erected Carlisle into a bishop's see, with Cumberland and Westmoreland

Concilium suum facias convenire. Controversiam, quae inter Turstinum Eboracensem Archiepiscopum, et Episcopos terrae tuae, diu agitata est, eidem Legato nostro diligentius indagandam discutiendamque committimus. Finalem vero sententiam Apostolicae Sedis judicio reservamus. Data Laterani Idibus Aprilis.

Hac auctoritate Johannes praedictus, circuiens Angliam, etiam ad Regem Scottorum David pervenit apud fluvium Twedam, qui Northymbriam et Loidam disterminat, in loco qui Rochesburh nominatur, ubi officio Legationis peracto, rediens ad Lundoniam celebravit Concilium.'—(Sim. Dunelm. Hist. de Gest. Reg. Angl. coll. 251-253. Labb. et Coss. Conc. t. x. col. 913. Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 406, 407.)

[1] Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 409. Chron. de Mailr. p. 68. Mr. Raine's Fasti Eboracenses, p. 196.

for its diocese.[1] This loss of territory, one of the causes, it would seem, of Bishop John's flight from Glasgow, was hotly resented by tho King of the Scots. But the Papal Legate now appeased his anger, and prevailed upon him to allow the new Bishop to return to Carlisle. The Legate was less successful in his endeavour to restore peace between England and Scotland. It was in vain that he flung himself at David's feet; all his entreaties only availed to obtain a truco of six weeks, with a pledge from the Picts or Galwegians that they would give up all the women whom they had carried off, and a promise from the whole camp that for the future they would respect the sanctity of the churches, and spare the lives of all who, from sex, age, or infirmity, were incapable of resistance.[2]

Cumberland withdrawn from tha diocese of Glasgow, and made part of the new diocese of Carlisle, A.D. 1132.

[1] 'Hic Henricus [Rex Anglorum] propter suam feritatem dictus est Leo; qui videns Johannem Episcopum Glasguensem per Cumberlandiam ecclesias dedicare, et cetera officia pontificalia, secundum morem juris antiqui, perficere, cum nec sibi nec Archiepiscopo Eboracensi vellet inda ut domino et praelato obsecundare; incitante Turstino Eboracensi Archiepiscopo, constituit per vim et violentiam Eadwaldum episcopum in Cumberlandia, ad titulum Carleolensem, contra eum, quia non erat qui ei resistere audabat. Quod cum vidisset Episcopus Johannes episcopatum suum Glasguensem taliter dimembrari, et neque per legem neque per regem defendi, transfretavit, et in monasterio Tironensi sese in monachum obtulit.'—(J. de Ford. Scotichron. lib. viii. cap. 3; lib. xi. cap. 52.) Cf. Joc. Vit. S. Kentegerni, capp. xi. xxxiii.; Reg. Episc. Glasg. vol. i. pp. 3-7; Chron. de Lanerc. p. 65; Palg. Doc. illust. Hist. Scot. vol. i. p. 70.

Council of the Cardinal Legate at Carlisle, 26-28 Sept. 1138.

[2] A.D. 1138. 'Circa idem tempus, quidam Albericus, Hostiensis Episcopus, in illas partes venit, quem Innocentius, Romanae sedis Apostolicus, ut Legationis officio in Anglia et Scottia fungeretur, miserat. . . . Litteras Regibus Angliae et Scottiae, et Turstino archiepiscopo Eboracensi (quippe tunc temporis Cantuariensis metropolis proprio pastore carebat) et episcopis atque abbatibus ac praelatis sanctae ecclesiae utriusque regni a praedicto Papa directas, de auctoritate suae Legationis attulit. Igitur ab his omnibus honorifice susceptus est . . . Ecclesias igitur . . . fere per totam Angliam visitando pertransivit . . . Tandem vero usque ad Dunelmum pervenit. Eodem tempore Willelmus Cumin, David Regis Scottiae cancellarius, de supradicto bello [sc. Standardii] fugiens, captus et incarceratus ibidem detinebatur. Quem mox, de carcere eripiens, domino suo liberum reddidit. . . . Deinde per Northymbriam et Cumbarland, quarto die ante festum Sancti Michaelis, ad Carlel pervenit, ibique Regem Scottiae, cum episcopis, abbatibus, prioribus, baronibus suae terrae reperit. Illi vero diu a Cisalpina, immo fere ab universa ecclesia discordantes, exosae memoriae Petro Leonis, et apostasiae ejus, nimium favisse videbantur. Tunc vero, Divina gratia inspirati, mandata Innocentii Papae, et Legatum ejus, unanimiter cum magna veneratione susceperunt. Igitur triduo cum eis de suae Legationis negotiis diligenter tractavit.

The Scottish clergy renounce the Antipope.

Et quoniam cognovit quod Johannes Glasguensis Episcopus curam animarum quam habuerat nulli commiserat, et sine licentia ac clanculo episcopatum suum reliquerat, et, nulla evidente necessitate cogente, apud Tironam monachus effectus est, de illo definivit, ut regius nuntius, cum ipsius et Regis pariter litteris, pro eo mitteretur; et, si redire nollet, sententia super illum daretur. Et ita factum est. Convenit quoque Regem de reformanda pace inter eum et Regem Angliae, et, hujus rei gratia, ad ejus pedes cecidit, scilicet ut sanctae ecclesiae, et sui ipsius, et suorum misereretur, quibus tot et tanta mala fecerat. Sed vix inducias impetravit, quod nullum exercitum, et nullum malum, excepta obsidione quae circa Carrum erat, ante festum Sancti Martini in terram Regis Angliae induceret. Hoc etiam apud Pictos impetravit

The Bishop of Glasgow recalled to his see.

Renewed attempt to obtain Archiepiscopal powers for St. Andrews, A.D. 1159.

It was perhaps the grant of four palls to the Irish church in the year 1151 that stimulated King Malcolm the Maiden, a few years afterwards, to renew the endeavour of his grandfather, King David, to obtain Metropolitan powers for St. Andrews. The English priest who left the Yorkshire priory of Nostell to rule the Austin Canons of Scone, and left Scone to rule the chief see of the Scots, died in 1159, after an episcopate of more than thirty years. The Bishop of Murray and the King's Chamberlain were instantly despatched to Rome. It would probably have been vain to ask an English pontiff to disregard the claims of York; but Pope Adrian the Fourth was now dead, and his successor, Pope Alexander the Third, professed himself anxious as well for the reform of the church, as for the honour of the realm, of Scotland. The Scottish envoys, however, requested more than he thought it reasonable to grant. But he conferred on the Bishop of Murray, what that prelate had not asked, what no Scottish prelate had ever before received, the office of Legate in Scotland, with the accustomed powers of correction and legislation. It was further declared, that if he should be chosen Bishop of St. Andrews, the Pope would not only dispense with his journey to Rome for confirmation,

The Bishop of Murray made Legate of Scotland, A.D. 1159.

The Picts and Scots pledge themselves in their future wars to spare women and children.

quod omnes puellas ac mulieres captivas, quas habere possent, ante eundem terminum ad Carlel reducerent, et eas ibi libertati redderent. Ipsi quoque et omnes alii firmissime ei promiserunt, quod nullo modo ecclesias amplius violarent, et quod parvulis, et femineo sexui, et ex infirmitate et aetate debilibus parcerent; et, omnino, neminem nisi sibi resistentem, amplius occiderent . . . His ita factis, Legatus ipso die festivitatis Sancti Michaelis inde discedens, per Hestaldesham et Dunelmum, in Suth-Angliam rediit, narravitque Stephano Regi Angliae suisque quid apud David Regem Scottiae et suos profecerat.'—(Ric. Hagust. de Gest. Reg. Steph., in Mr. Raine's Priory of Hexham, vol. i. pp. 96, 98-100; in Twysd. Script. Dec. coll. 324-328.)

'Directus est autem ab eodem Papa [Innocentio II.] Legatus Angliae et Scottiae Albericus Hostiensis Episcopus . . . Profectusque ad Regem Scotiae . . . apud Karlel . . . per triduum vero cum episcopis et principibus regni Scottiae, qui ei ex regio praecepto ibi occurrerant, quae corrigenda erant correxit, et quae statuenda erant statuit. Aldulfum Episcopum, in gratiam ejusdem Regis, et in sedem suam de Karlel recipi impetravit. Johannem Glasguensem Episcopum, qui omisso episcopali officio apud Tironas monachatui se contradiderat, ex Apostolica auctoritate revocavit. Scottos quoque et Pictos in hoc sibi acquiescentes habuit, ut infra festum Sancti Martini omnem captivitatem ad Karlel reducerent, et libertati donarent, nullusque eorum ecclesias violare, femineo sexui, vel pueris, vel senibus caedem inferre ulterius praesumeret. Ipsius etiam Regis genibus provolutus ab hostilitate eum usque ad festum Sancti Martini cessare compulit. His ibi ita dispositis, in die sollempni Sancti Michaelis ad Hagustaldensem ecclesiam reversus, in Suth-Angliam profectus est.'—(Hist. Johann. Haugust., in the Prior. of Hexh. vol. i. pp. 121, 122; in Twysd. Script. Dec. col. 264.)

See above, p. xv. note 1.

but would ratify the ancient rights and honours of his see. If, it was added, another than the Bishop of Murray shall be chosen, then his office of Legate shall cease, and the new Bishop of St. Andrews, when confirmed and consecrated, shall be made Legate of all Scotland.[1] The choice of the chapter fell on Arnold, abbot of Kelso; and his consecration, in the little church of St. Rule, by the hands of the Bishop of Murray, the Legate of the Apostolic See, was witnessed by the King, the nobles, and the clergy of Scotland. The promised office of Legate was immediately bestowed upon Bishop Arnold; but it was recalled, probably by the influence of York, almost as soon as it was granted.[2] If either Legate, during his short term of power, held a Council of the Scottish clergy, it has escaped record.

The Bishop of St. Andrews made Legate of Scotland, A.D. 1161.

Legatine Council at Norham, A.D. 1164.

Both were dead before the year 1164, when Roger, archbishop of

[1] Almost all that is known of the purpose and issue of this mission to Rome, is to be gathered from a hitherto unpublished rescript of Pope Alexander III., to the Chapter of St. Andrews:

Rescript of Pope Alexander III. to the Chapter of St. Andrews, 27th Nov. 1159.

'Alexander episcopus seruus seruorum Dei, dilectis filiis Archidiacono, Priori, et uniuerso clero ecclesie Sancti Andree, salutem et Apostolicam benedictionem. Petitiones quas uenerabilis frater noster [Willelmus] Mureuensis Episcopus, et dilectus filius noster Magister Nicholaus, ex parte karissimi filii nostri Malcolmi Regis Scottorum, super ecclesia uestra nobis proposuerunt, leto animo a nobis fuissent effectui mancipate, si cum Deo et cum iustitia id fieri potuisset. Verum nos eidem filio nostro Regi utiliter satisfacere cupientes, ad reformationem ipsius ecclesie et ad honorem regni eius, petitiones ipsas correximus et eas in statum redegimus meliorem. Quod enim nobis idem nuncii ex parte regia proponebant, non poterat de iustitia ut diximus adimpleri, quia cum ecclesia uestra ad presens pastore sit destituta, confirmationem ecclesie super his que postulabantur fieri nullatenus congruebat. Communicato autem fratrum nostrorum consilio quia et ipsi ecclesie et eidem Regi in maiorem fructum et commodum uidimus prouenire, iamdicto fratri nostro Episcopo, licet hoc ipse nullatenus postularet, Legationem in toto regno memorato filio nostro Regi commisso duximus concedendam, ut ibidem que corrigenda sunt corrigat et ea salubriter statuat que cognouerit statuenda; ita quidem ut si uos in personam eius uoluntate unanimi conueneritis, et idem Rex suum uoluerit impertiri consensum, in eadem ecclesia Episcopus ordinetur; et licet huiusmodi translationes absque consultatione et assensu Romani Pontificis non debeant celebrari, non tamen pro confirmatione sua eum redire ad Sedem Apostolicam oportebit, set iniunctam sibi Legationem et in eadem ecclesia pontificalis officii plenitudinem extunc libere exsequatur. Nos uero post ordinationem ipsius, ei et memorate ecclesie cui preerit antiquas et rationabiles consuetudines et dignitates suas curabimus auxiliante Domino confirmare. Quod si in eum non poteritis conuenire, in aliam personam litteratam, idoneam, et honestam, communi uoto et unanimi uoluntate uos precipimus concordare, et eam studeatis uobis eligere in pastorem. Electam uero si nobis uolueritis presentare, eam et honeste tractabimus et quibus modis expedire uiderimus curabimus honorare. Extunc autem huius Legationis cessante, ille qui confirmatus et consecratus fuerit Legationem per totum regnum iamdicti filii nostri Regis auctoritate Apostolica optinebit, et Legationis officium libere in illis partibus exsequatur. Datum Anagnis v. kalendas Decembris.' —(Orig. Denmlyn MSS. 15. 1. 19. no. 2. Adv. Bibl. Edinb.)

[2] Chron. de Mailr. pp. 76-78. Chron. S. Crucis, pp. 33, 34. Scotichron. lib. vi. cap. 35; lib. viii. capp. 6, 7.

York, armed with a commission as Legate in Scotland from Pope Alexander the Third, summoned the Scottish clergy to attend him at Norham. They sent Engelram, bishop-elect of Glasgow, with the Dean of Glasgow, and the Prior of Kelso, to disclaim the Legate's authority, as surreptitiously acquired, and to appeal to Rome. The Pope's decision, if any was given, is not recorded; but his consecration of Engelram to the see of St. Kentigern, in spite of the remonstrances of York, was not unjustly regarded as a triumph by the Scots.[1]

The Scottish Prelates refuse to attend, and appeal to the Pope.

The invasion of England by King William the Lion, in the summer of 1174, ended in his being taken prisoner under the walls of Alnwick, and carried captive to Normandy. He obtained his liberty only by surrendering the independence of the kingdom, and, as it seemed, of the church of Scotland. By the treaty of Falaise, he became the liegeman of the King of England, for all his dominions; undertaking at the same time that the bishops, abbots, and clergy of Scotland and their successors should render fealty to the English King as their liege lord, in the same manner as his other bishops. The Scottish King, his brother and heir presumptive the Earl David, his barons, and his lieges, further granted to the English King that the Scottish Church should henceforth

Captivity of King William the Lion, A.D. 1174.

The King and Clergy of Scotland agree that the Scottish Church shall yield to the English Church such obedience as of right it ought.

[1] 'Hic vir Rogerus [Eboracensis archiepiscopus] totis viribus conatus est primatum habere super ecclesiam Scoticanam. . . . Henrici junioris Regis Angliae fretus anxilio, inhiabat sibi usurpare ordinationis dignitatem, non solum Glasguensis ecclesiae, sed et Sancti Andreae, atque totius cleri Scotiae Legationem. Habens ad hoc Legationis privilegium ab Apostolico clanculo et falsis suggestionibus impetratum, venit pompose ad castrum de Norham Twedae fluvio vicinum. Inde mox, bajulis ad clerum Scotiae delegatis, quatenus illum cum honore, velut suum susciperent Legatum a Summo Pontifice destinatum, aut sibi cognoscerent divinum officium sequestrandum. Quod cum audisset Ingelramus, nondum adhuc electus, sed duntaxat Archidiaconus Glasguensis et Regis Cancellarius, indigne valde ferebat; et de consensu cleri ad hoc electus, et procurator effectus, adjunctis sibi notabilibus clericis, cum quodam satellite nobili et manu forti, hunc delphinum Eboracensem Rogerum inconsternate aggreditur, dicens: *Unde tibi, pater, praesumptio ista elata, nostri honoris clandestinum te voluisse privilegium usurpare?* Disputatum est hinc inde acriter, Salomone decano Glasguensi, et Waltero priore de Kalco sibi assistentibus, ac multum eleganter perorantibus; donec ad curiam Romanam a Scotis appellatum est: ubi, astantibus pomposis clericis et procuratoribus Eboracensibus, consecratus est Ingelramus ab Alexandro Papa, ad confusionem maximam Anglicorum, et ad Scotorum gloriam spectabilem.'—(J. de Ford. Scotichron. lib. viii. cap. 15.)

'Anno M.CLXIIII. . . . Archiepiscopus Eboracensis venit Norham ut Legatione fungeretur per Scotiam, sed nuncii Regis Scotorum restiterunt ei et contradixerunt ejus Legationi, et inde rediit confusus.'—(Chron. de Mailr. p. 79.)

Cf. Annal. R. de Hoved. in Savil. Rer. Anglic. Script. p. 493; Reg. Episc. Glasg. vol. i. pp. 18-20; Mr. Raine's Fasti Eboracenses, p. 244

yield to the English Church such obedience as of right it ought, and in time past was wont to yield. On the part of the Scottish Church, the Bishops of St. Andrews and of Dunkeld, the Abbot of Dunfermline, and the Prior of Coldingham, granted, in like manner, that the English Church should have that rigbt over the Scottish Church which of right it ought to have, and that they would not be against the right of the English Church. They pledged themselves to the fulfilment of their obligations, by swearing fealty to the English King as their liege lord.[1]

The King and Clergy of Scotland swear fealty to the English King at York, 17th Aug. 1175

A few months afterwards tbe treaty was read aloud in a solemn assembly in York Minster, and homage was done to the English King, and fealty to him and his heirs was sworn upon the Gospels and upon the relics, as well by the King of Scots, his brother, earls, barons, and knights, as by tbe Bishops of St. Andrews, Glasgow, Dunkeld, Galloway, Caithness, and Murray, the Abbots of Kelso, Melrose, and Newbottle, and other prelates of Scotland.[2] The King of Scots, in token of his homage, made an offering of his helmet, his spear, and his saddle, on St. Peter's altar.[3]

Early next year the Cardinal Hugguccio Petrileonis, Legate in England

Treaty of Falaise, Decemb. 1174.

1 'Willielmus Rex Scotorum devenit homo ligius Domini Regis [Anglorum] contra omnem hominem de Scotia et de omnibus aliis terris suis, et fidelitatem ei fecit, ut ligio domino suo, sicut alii homines sui ipsi facere solent. Et similiter fecit homagium Henrico Regi filio suo, salva fide Domini Regis patris sui. Omnes vero Episcopi et Abbates et Clerus terrae Regis Scotiae et successores sui facient Domino Regi sicut ligio domino fidelitatem de quibus habere voluerit, sicut alii Episcopi sui ipsi facere solent, et Henrico Regi filio suo et haeredibus suis. Concessit autem Rex Scotiae et David frater suus et barones et alii homines sui Domino Regi, quod Ecclesia Scoticana talem subjectionem amodo faciet Ecclesiae Anglicanae qualem illi facere debet et solebat tempore Regum Angliae praedecessorum suorum. Similiter Richardus episcopus Sancti Andreae, et Ricardus episcopus de Dunkeldyn, et Galfridus abbas de Dunfermelyn, et Herbertus prior de Coldingham concesserunt quod etiam Ecclesia Anglicana illud jus habeat in Ecclesia Scotiae quod de jure habere debet, et quod ipsi non erunt contra jus Ecclesiae Anglicanae. Et de hac concessione, sicut ligiam fidelitatem Domino Regi et Henrico filio suo fecerunt, eos inde assecuraverunt ita hoc idem facient alii Episcopi et Clerus Scotiae, per conventionem inter Dominum Regem, et Regem Scotiae et David fratrem suum et barones suos, factam.'—(Foedera, vol. i. pp. 30, 31.)

2 Chron. J. Brompton, in Twysd. Script. Dec. col. 1103. J. de Ford. Scotichron. lib. xi. cap. 41. Annal. R. de Hoved. pp. 545, 546. edit. 1601. Palg. Doc. illust. Hist. Scot. vol. i. pp. 65, 81. Chron. de Mailr. pp. 87, 88. Benedict. Abb. Petroburgens. t. i. pp. 113-120.

3 'Willielmus Rex Scotiae . . . in signum compositionis et subjectionis quas cum Domino Rege perante apud Eboracum . . . fecerat . . . ibi capellum, lanceam, et sellam suam super altare Sancti Petri ad perpetuam hujus subjectionis memoriam optulerat, quae ibidem usque hodie conservantur, de mandato Domini Regis Angliae ad dictas compositionem et subjectionem adhuc declarandas.'—(Chron. J. Brompton, col. 1108.) Cf. J. de Ford. Scotichron. lib. xi. cap. 41; H. de Knight. Chron. in Twysd. Script. Dec. col. 2396.

The helmet, spear, and saddle of the Scottish King hung up in York Minster, A.D. 1175.

of Pope Alexander III., summoned a Council at Northampton. It was attended by the King of the Scots, who brought with him, at the English King's command, the Bishops of St. Andrews, Glasgow, Dunkeld, Galloway, Caithness, and Murray, and other bishops, abbots, and priors of Scotland. The English King called upon them, by the fealty which they owed him, and by the oath which they had sworn, to yield that obedience to the English Church which they ought to yield, and were in use to yield in the time of the Kings his predecessors. They answered that neither they nor their predecessors had ever yielded any obedience to the English Church, and that they ought not to yield any. Archbishop Roger of York replied, that the Bishops of Glasgow and the Bishops of Galloway had yielded obedience to York in the time of the Archbishops his predecessors, as was shown by the bulls and other writings which he held in his hands.[1] The King of Scots had written to the Pope, not only

The Scottish Clergy attend the Council of the Legate of England at Northampton, 29th Jan. 1175-6;

but deny that they owe obedience to the English Church.

York claims Glasgow and Galloway for its suffragans.

[1] A.D. 1175-6. 'Rex Angliae generale tenuit Concilium apud Northamptoniam, IV. Kal. Februarii, cui interfuit Rex Scotiae, et omnes Episcopi et Praelati regni Scotorum ad utriusque Regis edictum ibi convenerant quibus hinc sub interminatione exilii praecipitur, illinc suasione perversa sub praetextu consilii innuitur Metropolitano subjici Eboracensi Archiepiscopo. Quod vero imminens periculum totis conatibus Scoti declinantes, ab eis unanimiter, sub tamen induciarum remedio, praestantiori consilio refutatum est: quorum subinde industria, ecclesiae Scoticanae dignitas pristina auctoritate Apostolica confirmatur, et libertas ab Alexandro Papa eminentiori privilegio roboratur.'—(J. de Ford. Scotichron. lib. viii. cap. 25: cf. Wynt. Orig. Chron. Scot. book vii. chap. viii.; Mr. Raine's Fast. Ebor. pp. 244, 245.) I need scarcely add, that the speech, said to have been spoken by St. Gilbert of Murray, reported in the next chapter of the Scotichronicon, is a spurious interpolation.

'Ad praedictum vero Concilium apud Northamtune celebratum, venit Willielmus Rex Scottorum per mandatum Domini Regis, adducens secum Richardum episcopum Sancti Andreae, et Jocelinum episcopum de Glascou, et Richardum episcopum de Dunkelten, et Christianum episcopum de Candida Casa, et Andream episcopum de Catenesse, et Simonem de Touni episcopum de Mureuia, et caeteros episcopos et abbates et priores regni sui. Qui cum coram Domino Rege Angliae convenissent, praecepit iis Dominus Rex, per fidem quam ei debebant, et fidelitatis sacramentum quod ei fecerant, ut eandem subjectionem facerent Anglicanae ecclesiae quam facere debebant et solebant tempore Regum Angliae praedecessorum suorum. Cui responderunt, quod ipsi nunquam subjectionem fecerant Anglicanae ecclesiae nec facere debent. Ad hoc autem respondit Rogerus Eboracensis Archiepiscopus, affirmans quod Glascuenses Episcopi et Episcopi Candidae Casae subjecti fuerant Eboracensi ecclesiae tempore Archiepiscoporum praedecessorum suorum. Et super haec privilegia Romanorum Pontificum sufficienter instructa demonstravit.'—(Annal. R. de Hoved. p. 550.)

'Ad istud autem Concilium Willielmus Rex Scotiae . . . venit, adducens secum Ricardum Sancti Andreae, Jocelinum Glascuensem, Ricardum Dunkeldensem, Christianum Candidae Casae sive Galeweyae, Andream de Catenessa, et Simonem Moravensem Episcopos cum abbatibus et prioribus terrae suae ad subjectionem Anglicanae ecclesiae faciendam. Tunc Dominus Rex exegit ab eis in fide quam ei debebant et per sacramentum quod illi fecerant, ut eandem subjectionem ecclesiae Anglicanae facerent quam ei debebant et

admitting the justice of this claim, and the sufficiency of its proofs, but beseeching his Holiness to compel the obedience which the King had sworn should be yielded.[1] William seems at no time to have had too much consideration for his bishops;[2] and in that hour of his humiliation it was perhaps not unnatural that he should seek to make them partners of his fall. But submission to princes was a virtue little to be looked for in churchmen who, a few months before, had witnessed the triumphant canonization of Becket; and neither the counsels nor the example of the Scottish King could subdue the patriotism or the pride of the Scottish prelates. 'The Church of Glasgow,' said its Bishop, 'is the peculiar daughter of

Glasgow repudiates the claim of York.

temporibus praedecessorum suorum Regum Angliae facere solebant. Et illi responderunt, quod nunquam ipsi nec praedecessores sui ecclesiae Anglicanae subjectionem fecerant aliqualem, nec quod ipsi aliquam ei facere deberent. Ad hoc respondit Rogerus Eboracensis Archiepiscopus, quod tempore praedecessorum suorum Episcopi Glascuenses subjectionem Metropolitanae ecclesiae Eboraci fecerant, et super hoc ostendit bullas et alia necessaria munimenta quae inde prae manibus habuit.'—(Chron. J. Brompt. col. 1108.)

Bulls and writs supporting the claim of York to Metropolitan rights in Scotland, A.D. 1099-1159.

The bulls and writs with which York thus confronted Glasgow and Galloway, were doubtless a rescript of Pope Pascal II. (1099-1118), seven rescripts of Pope Calixtus II. (1119-1124), a rescript of Pope Honorius II. (1124-1130), three rescripta of Pope Innocent II. (1130-1143), a rescript of Pope Adrian IV. (1154-1159), and a profession of obedience by Gilla Aldan bishop of Whithern to Archbishop Thurstan of York (1119-1139).

They have been printed, but with many blunders, in the Monast. Anglican. vol. vi. pp. 1186-1189. edit. 1846; in Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 480, 481; and in Nicol. Scot. Hist. lib. pp. 352-355.

Letter from King William the Lion to Pope Alexander III. entreating him to compel the Scottish Church to acknowledge the supremacy of York, A.D. 1174-5.

[1] 'Reverendissimo Domino et Patri Alexandro Dei gratia Summo Pontifici, Willielmus eadem gratia Rex Scotiae salutem et devotam reverenciam. Noverit Sanctitas Vestra quod de subjectione ecclesiae Scotiae quam Eboracensis ecclesia antiquo jure sibi vendicat, tam ex scriptis auctenticis quae inspexi quam ex relatione et testimonio virorum antiquorum auctenticorum et veredicorum, diligenter veritatem investigando comperi, quod ab antiquis temporibus ad Eboracensem ecclesiam de jure pertineat et quod possessionem ejus hostilitate et potencia Regum praedecessorum meorum amiserit. Set jam per gratiam Dei inter Dominum meum Regem Angliae et me pace in perpetuam reformata, suppliciter postulo quatenus Domino meo Regi et regno suo et Eboracensi ecclesiae praedictam possessionem et subjectionem, vestra auctoritate, omni objectione et appellatione remota, restitui et redintegrari praecipiatis: Nec sine maximo dampno meo et terrae meae detrimento praetermitti potest quin ita fiat, quum in pace reformata inter Dominum meum Regem et me ita convenit et illud idem juramento firmavi. Scio enim quod in maximum periculum animarum nostrarum redundaret, si id quod pro certo scimus competere, deb[ito] effectui non manciparetur. Valeat semper Sanctitas Vestra.'—(Nicol. Scot. Hist. Lib. pp. 355, 356. Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 481, 482. Monast. Anglic. vol. vi. p. 1186.)

The letter is engrossed in the well-known Liber Rubeus Scaccarii, or Red Book of the English Exchequer.—(Gen. Rep. Comm. Pub. Rec. 1837, app. p. 174.)

King William the Lion compels the cathedral chapters of Scotland to choose his nominees for their bishops.

[2] Giraldus Cambrensis, in a chapter 'De Scotorum Principibus religione conspicuis,' writes of King William the Lion: 'Vir tantus et tam laudabilis in multis totam gloriam suam ab ineunte aetate usque in senium, proh dolor! unica macula decoloravit. Per totam enim terrae suae totius amplitudinem, in cathedralibus ecclesiis cunctis, nullas omnino nisi ad nutum ipsius, more tyrannico, fieri permisit electiones; enormes quidem Normannicae tyrannidis per Angliam abusiones, nimis in hoc expresse sequens.'—(De Instruct. Princip. p. 202. Angl. Christ. 1846.)

the Church of Rome, free from all obedience to any Bishop or Archbishop; and if the Church of York at any time had dominion over the Church of Glasgow, it has now lost all right to such dominion.'[1] The attempt of the Archbishop of Canterbury to show that it was to the successor of St. Augustine, to the Primate of all Britain, that the Scottish Church ought to be subject, kindled the wrath of York; and the issue, as related by an English chronicler, a churchman of the northern province, was, that the Scottish bishops were permitted to return to their dioceses without yielding any obedience to the English Church.[2]

The claim of York opposed by Canterbury.

The Scottish clergy return home without yielding obedience to the English Church.

They hastened to despatch messengers to Rome, who brought back a bull from Pope Alexander the Third, forbidding the Archbishop of York, the Legate of the Apostolic See, to exercise Metropolitan jurisdiction over the Bishops of Scotland until Rome should try and determine whether they were subject to his authority; remonstrating with the English King for making them swear that they would yield obedience to the English Church; warning him against compelling them to yield such obedience;

Pope Alexander III. forbids the Archbishop of York and the King of England to claim obedience from the Scottish Church, A.D. 1176.

The Church of Glasgow claims to be the chosen daughter of Rome, A.D. 1176;

[1] 'Ad quod Jocelinus Glascuensis Episcopus respondit: *Glascuensis Ecclesia specialis filia est Romanae Ecclesiae, et ab omni subjectione Archiepiscoporum sive Episcoporum exempta: et si Eboracensis Ecclesia aliquo tempore dominationem habuit in Ecclesia Glascuensi, constat illam demeruisse aliquam de caetero in ea habere dominationem.*'—(Annal. R. de Hoved. p. 550.)

the claim is recognised by Pope Alexander III., A.D. 1178;

The claim of Glasgow to be the peculiar daughter of Rome was formally recognised by Pope Alexander III. in a rescript to Bishop Joceline, on the 19th April 1178: 'Glasguensem ecclesiam specialem nullo mediante Romane ecclesie filiam . . . sub Beati Petri et nostra protectione suscipimus et presentis scripti priuilegio communimus.'—(Reg. Episc. Glasg. vol. i. pp. 42, 43.)

and by Popes Lucius III., Urban III., Gregory IX., and Innocent IV., A.D. 1181-1245.

The recognition of Glasgow as the chosen daughter of the Apostolic See, was renewed by Pope Lucius III. in 1181, by Pope Urban III. in 1186, by Pope Gregory IX. in 1231, by Pope Innocent IV. in 1245.—(Reg. Episc. Glasg. vol. i. pp. 49, 55, 62, 132, 134, 153.) Cf. Chron. de Lanerc. pp. 60, 61.

The Life of St. Kentigern, written at Bishop Joceline's command by his namesake and brother Cistercian of Furness, took care to claim the distinction as coeval with the foundation of the see: 'Sanctus Kentegernus . . . habebat etiam privilegium a Summo Pontifice sibi missum, ut nulli Episcopo esset subjectus, sed potius vocaretur et esset Domini Papae Vicarius quo Capellanus.'—(Jocel. Vit. S. Kenteg. cap. xxxiii., in Pinkert. Vit. Antiq. SS. Scot. p. 268.)

[2] 'Et quia Richardus Cantuariensis Archiepiscopus nitebatur ut Ecclesia Scotica Cantuariensi subjiceretur Ecclesiae, effecit aduersus Regem Angliae quod ipse permisit Episcopos Scotiae in terras suas redire, nulla subjectione facta Anglicanae Ecclesiae.'—(Annal. R. de Hoved. p. 550.)

'Tunc magna discordia inter Archiepiscopos Cantuariensem et Eboracensem de subjectione illa habenda orta est; nam uterque illorum subjectionem illam suae ecclesiae fieri dicebat. Et sic Concilio finito praedicti Episcopi Scotiae accepta a Domino Rege licentia recesserunt. Et exinde ad Alexandrum Papam nuncios miserunt postulantes ut eos in manu sua reciperet et a subjectione illa tutaret quam ab eis Anglicana ecclesia exigebat.'—(Chron. J. Brompt. col. 1108.)

and forbidding them, either from regard to their oaths, or from any other cause, to acknowledge any Metropolitan except the Pope himself, until the controversy between them and York should be determined by the Apostolic See.[1]

A Cardinal Legate sent from Rome to try the question between York and the Scottish Bishops, A.D. 1176.

To hasten this issue, messengers were again despatched to the Pope, entreating him to send a Cardinal to try the cause in Scotland. The request was granted, and the Cardinal Vivian Tomasi was appointed Legate to Scotland, to Ireland, and to the Norse Isles in the Scottish seas. He landed in England, without leave had of the English King, who would not allow him to cross the Trent until he had sworn that he would attempt nothing against the interest of England.[2] He reached Scotland in the

Rescript of Pope Alexander III. forbidding the Scottish Bishops to acknowledge York as their Metropolitan, until its claims shall be tried in the Papal Court, 30th Jul. 1176.

[1] 'Alexander Episcopus seruus seruorum Dei venerabilibus fratribus Episcopis Scotie, salutem et Apostolicam benedictionem . . . Sane grauat nos ad modum, grauat et nos, quod karissimus in Christo filius noster Henricus illustris Anglorum Rex uos iurare coegit ut obedirctis Anglicane ecclesie, cum hoc in iniuriam Dei et contemptum nostrum respiciat, et in depressione ecclesiastice libertatis quia non est alicuius Regis uel Principis de ecclesiis uel personis ecclesiasticis ordinare. Nos autem sustinere nolentes libertatem uestram imminui, venerabili fratri nostro Eboracensi Archiepiscopo Apostolice Sedis Legato, distincte precepimus ut in uos ius metropoliticum non exerceat donec sub examine Romani Pontificis cognoscatur utrum sibi debeatis metropolitico iure subesse. Et memoratum Regem de recepcione predictorum iuramentorum pro ut debuimus redarguentes, ipsum attente monuimus ut uos ad prestandam sibi obedienciam non compellat, nec ad hoc suum assensum tribuat uel fauorem. Mandamus itaque fraternitati uestre atque precipimus quatinus nemini nisi Romano Pontifici iuramentorum ipsorum obtentu, uel alia de causa metropolitico iure obedire temptetis, donec in presentia nostra uel Catholici successoris nostri si prefatus Archiepiscopus super hoc in camera trahere uos uoluerit, controuersia inter uos et ipsum fine debito terminetur. Datum Anagnie, III. Kal. Augusti.'—(Reg. Episc. Glasg. vol. i. p. 35.)

[2] 'Interim Rex Scociae et Episcopi sui infestationem Regis Angliae et Rogeri Eboracensis Archiepiscopi timentes, ad Dominum Papam latenter suos euncios transmiserunt, ipsum humiliter deprecantes, ut eis unum Cardinalem qui causam controversiae quae inter eos et Anglicanam Ecclesiam de subjectione eidem facienda vertebatur cognosceret, destinaret. Missus est itaque ad eos Vivianus titulo Sancti Stephani de Coelio Monte presbyter Cardinalis, qui Legationem Scociae ac Hiberniae et Norwegiae susceperat Insularum. Qui circa festum Sanctae Mariae Magdalenae in Anglia sine Regis licentia applicans . . . Rex ad eum Wintoniensem et Eliensem Episcopos destinavit, ut sciscitarent ab eo cujus licentia in Angliam applicuit, et ei insuper intimarent, quod Rex eum ultra procedere non permitteret nisi vellet voluntati suae regiae consentire. Ipse vero sibi timens, et hinc inde periculum sentiens, tandem ad hoc illorum consilio adquievit. Fecit ergo eum Rex in verbo veritatis jurare, quod nihil quod contra ipsum vel regnum suum esset in Legatione sua agere attemptaret. Regia itaque voluntate facta, praedictus Cardinalis, Rege sibi conductum praestante et literas protectionis suae ei tradente, iter suum versus Scociam statim cepit. Et postea circa Festum Natalis Domini apud civitatem Wintercine [l. Witherne] in Galeweia naves ascendens, in insula de Man applicuit.'—(Chron. J. de Brompt. coll. 1110, 1111.) Cf. Benedict. Abb. Petroburg. t. i. pp. 144, 145, 168-170.

Hoveden calls him Legate 'in Scotia et in Insulis circumjacentibus, et in Hybernia, et in Norewea.' —(Annal. p. 553.)

A statute of King William the Lion, made at Aberdeen, is dated 'in Quadragesima proxima post

winter of 1176, and passing into Galloway, sailed from Whithorn to Man, where he prevailed upon King Godred to marry his Irish concubine, the mother of King Olave the Black.[1] From Man the Legate sailed to Ireland, where he held a Council at Dublin, and was present at Down on the great day of the translation of the relics of St. Patrick, St. Brigid, and St. Columba.[2] He crossed the Channel to Chester; and after visiting the English court, returned to Scotland, and assembled a Council in the Castle of Edinburgh. The main object of his mission was frustrated by his oath to the English King. But he suspended the Bishop of Galloway for refusing to attend the synod, on the ground that he owed obedience to the Legate of England, the Archbishop of York, by whose hands he had been consecrated a bishop.[3] Nothing more is known of the Council than that it renewed many ancient canons, and enacted new ones.[4] Some of them curtailed the immunities of the Cistercians. The monks of Rievaux, the mother of all the Scottish abbeys of the order, were careful to preserve a letter from Pope Alexander the Third to the Bishops of Scotland, commanding them to repudiate the statutes which their Legate Vivian had made against the brethren of Citeaux;[5] and the dull, dry, page of

Legatine Council at Edinburgh, 1st Aug. 1177.

adventum Viviani Legati Sedis Apostolice in Scociam:' 'in the Lentryn nixt eftir that Vivian cam in Scotland the Legate of the Haly Siege.'—(Act. Parl. Scot. vol. i. p. 52.)

[1] Chron. Reg. Mann. et Ins. pp. 13, 14. edit. Christ. 1860.

[2] Annal. R. de Hoved. p. 561. Chron. J. Brompt. col. 1111. Rev. R. King, Prim. of Armagh, pp. 110, 112.

[3] 'Praedictus itaque Cardinalis Vivianus Concilio suo apud Dublenniam in Hybernia celebrato, inde in Anglia apud Cestriam applicuit. Qui ad curiam Regis accedens ad Legationem suam in Scotia perficiendam protectionis literas impetravit. Et postea ad Castellum Puellarum veniens, Concilium ibi cum Episcopis et viris ecclesiasticis regni Scotiae de statutis ecclesiae celebravit. In quo Concilio Cristianum episcopum Candidae Casae ab officio episcopali suspendit, eo quod ipse ad illud Concilium venire recusavit. Dicebat enim Episcopus episcopatum suum ad legantiam Eboracensis Archiepiscopi qui eum in Episcopum consecraverat, secundum antiquam praedecessorum utriusque consuetudinem, pertinere. Et ipse Rogerus Eboracensis Archiepiscopus, qui ab Alexandro Papa Legatus provinciae suae constitutus erat, subjectionem episcopatus Candidae Casae juri suo et suae ecclesiae vendicabat. Concilio illo celebrato, per mandatum Alexandri Papae propter suam maximam cupiditatem qua omnes fere primates ecclesiasticos suae Legationis depauperando oppressit, Romam praedictus rediit Cardinalis.'—(Chron. J. Brompt. coll. 1111, 1112.) Cf. Benedict. Abb. Petroburg. t. i. pp. 211, 212; Anna R. de Hoved. pp. 561, 567; Mr. Raine's Fast. Ebor. p. 245.

[4] A.D. 1177. 'Praemissus Vivianus Legatus . . . Scotiam revisit, et apud Castrum Puellarum praelatos regni Scotiae convocavit; et plurima renovans [*al.* revocans] antiquorum decreta, et nova insuper statuens, Concilium Kal. Augusti solenne celebravit.'—(J. de Ford. Scotichron. lib. viii. cap. 25.) Cf. Chron. de Mailr. p. 88.

[5] Appendix to the Preface, XIV.: '[Epistola

the Cistercian chronicle of Melrose sparkles into invective against his rapacity and violence.[1]

A Legate sent from Rome to try the disputed election to the see of St. Andrews, A.D. 1180.

On the death of Richard, bishop of St. Andrews, in the year 1178, the chapter chose as his successor John the Scot, one of the archdeacons of the diocese. The King swore by the arm of St. James, that he would never consent to the election, and ordered his own chaplain, Hugh, to be consecrated to the see. The Pope was appealed to, and sent a Legate, Alexis, to hear and determine the cause in Scotland. His judgment was in favour of John, whom he ordered to be consecrated Bishop of St. Andrews, in a council or assembly of the Scottish clergy, held in the church of Holyrood at Edinburgh, in the summer of 1180.[2] The King instantly banished John from Scotland. The Legate retaliated by laying the diocese of St. Andrews under interdict; and when this proved unavailing, the Pope ordered Hugh to be excommunicated by the Scottish Bishops. The King still refusing to yield, his kingdom was laid under interdict, and he himself was excommunicated by the Archbishop of York, whom the Pope had made Legate of Scotland.[3]

Council or Assembly at Holyrood, 8th June 1180.

Pope Lucius III. sends the Golden Rose to the King of Scots, A.D. 1182.

Before many months had passed, both the Pope and the Archbishop died, and the King lost no time in sending ambassadors to Rome. They prevailed with the new Pontiff, Lucius the Third, not only to annul the

Alexandri Pape III.] Episcopis Scocie ut in irritum ducant statuta Viniani Cardinalis et eorum Legati contra Ordinem Cisterciensem facta.'

[1] Chron. de Mailr. p. 88: 'Winianus ... Legatus ... conculcans et comminuens obvia queque, expeditus capere nec impeditus rapere:' 'prepared to catch, and not unprepared to snatch,' as Lord Hailes has rendered it.

[2] 'De mandato ... Domini Papae, Alexis Sanctae Romanae Ecclesiae subdiaconus, et Apostolicae Sedis Nuncius, ut de facto ecclesiae Sancti Andreae cognosceret, Scotiam cum Johanne electo, et ab eodem Papa prius confirmato, Rege Willelmo vix permittente, intravit: concesso dicto confirmato, ut pro dignitate ecclesiae Sancti Andreae, et Regis honore, in sede episcopali, a quibus vellet Episcopis, consecrari. Quem Alexis, Domini Papae Nuncius, post multa consilia et multa gravamina, excommunicatis etiam quibusdam Regis clericis, insuper et episcopatu Sancti Andreae interdici comminato, sed id fieri Johanna nequaquam consentiente, convocatis quasi omnibus Episcopis, Abbatibus, et notabilioribus clericis in dignitate constitutis apud Edinburgh in ecclesia monasteriali Sanctae Crucis, die Sanctae Trinitatis, vi. Idus Junii, a Matthaeo Episcopo Aberdonensi, ex mandato Domini Papae Alexandri, ad praenominatam sedem in antistitem magnifice consecrari fecit.'—(J. de Ford. Scotichron. lib. vi. cap. 36.) Cf. Chron. de Mailr. pp. 90, 91; Annal. R. de Hoved. p. 598.

'And swa wes gret Cownsalys sere
Haldyn oft of this matere
Be this Legatis autoryte.'

—(Wynt. Orig. Chron. Scot. book vii. chap. 8.)

[3] Ann. R. de Hoved. pp. 597-599, 613-615.

excommunication and recall tbo interdict, but to honour the King witb tbe Golden Rose, a special mark of Apostolic favour.[1]

Pope Clement III. declares the Scottish Church to be subject only to Rome, A.D. 1188.

A few years afterwards, anotber embassy to Rome obtained from Pope Clement tbe Third, a bull declaring that tbe Scottish Churcb, the cbosen daughter of Rome, containing the episcopal sees of St. Andrews, Glasgow, Dunkeld, Dunblane, Brecbin, Aberdeen, Murray, Ross, and Caithness, sball be subject only to tbo Apostolic Sce; tbat no one, save the Pope or bis Legate *a latere*, shall pronounce sentence of interdict or excommunication against tbe realm of Scotland; that if any sucb sentence be pronounced, it sball be null; tbat no one for the future sliall bold the office of Legate in Scotland except a subject of the kingdom, or one specially deputed for tbat end by the Apostolic See from its own body; and tbat no questions arising in Scotland touching Scottish interests sball be brought to trial before judges out of Scotland, unless on appeal to Rome.[2] This

[1] Ann. R. de Hoved. p. 616. Chron. de Mailr. p. 92. J. de Ford. Scotichron. lib. viii. cap. 79. Wynt. Orig. Chron. Scot. book vii. chap. 8.

The ambassadors, whose names have been preserved, were Jocelinc bishop of Glasgow, Arnold abbot of Melrose, Osbert abbot of Kelso, and Walter prior of St. Colm's luch.

As to the Golden Rose, see Inventories of Mary Queen of Scots, pp. xvii. clix. Bannat. Club. 1863.

Bull of Pope Clement III. recognising the independence of the Church of Scotland, 13th March 1188.

[2] 'Clemens Episcopus seruus seruorum Dei, karissimo in Christo filio Willielmo illustri Scotorum Regi, salutem et Apostolicam benedictionem. Cum vniuersi Christi iugo subiecti apud Sedem Apostolicam patrocinium inuenire debeant et honorem ac fauorem, illos tamen specialius conuenit eius munimine protectionis confoueri, quorum fidem ac deuotionem in pluribus est experta, vt ad ipsius dilectionis feruorem tanto amplius prouocentur, et eius reuerentiae deuotiori affectione subdantur, quanto beneuolentiae ipsius et gratiae pignus se nouerint certius assecutos. Ea propter, karissime in Christo fili, reuerentiam ac deuotionem quam ad Romanam te habuisse a longis retro temporibus Ecclesiam nouimus, attendentes, praesentis scripti pagina duximus statuendam, vt Scotticana Ecclesia Apostolicae Sedi, cuius filia specialis existit, nullo mediante debeat subiacere, in qua hac Sedes Episcopales esse noscuntur, Ecclesiae videlicet Sancti Andreae, Glascuensis, Dunkeldensis, Dumblanensis, Brehinensis, Aberdonensis, Moraniensis, Rossensis, Katanensis. Et nemini liceot nisi Romano Pontifici vel Legato ab ipsius latere destinato, in regnum Scotiae interdicti vel excommunicationis sententiam promulgare, et si promulgata fuerit, decernimus non valere. Adicimus vt nulli de caetero qui de regno Scotiae non fuerit, nisi quem Apostolica Sedes propter hoc de corpore suo specialiter destinauerit, licitum sit in eo Legationis officium exercere. Prohibemus autem vt controuersiae quae fuerint in regno illo de possessionibus eius exortae, ad examen extra regnum positorum iudicum non trahantur, nisi ad Romanam Ecclesiam fuerit appellatum. Si qua vero scripta contra huius libertatis statutum apparuerint impetrata, vel inposterum istius concessionis mentione non habita contigerit impetrari, nullum tibi vel ipsi regno circa huius praerogatiuae concessionem praeiudicium generetur. Praeterea libertates et immunitates tibi vel eidem regno vel ecclesiis in eo constitutis, a praedecessoribus nostris Romanis pontificibus indultas et hactenus obseruatas, ratas habemus et eas illibatas futuris temporibus statuimus permanere. Nulli ergo . . . Si quis autem . . . Datum Laterani, III. Idus Martij, pontificatus nostri anno primo.'—(Annal. R. de Hoved. pp. 651,

decisive recognition of the independenco of the Scottish Church was followed, next year, by the restoration of the independence of the Scottish kingdom. The obligations which King Henry the Second had extorted at Falaise were renounced by his more generous son, and the Scottish crown was declared to be as free as in the days of King Malcolm the Maiden.[1]

Legatine Council at Perth, Decemb. 1201.

In the year 1201, the Cardinal John of Salerno was sent from Rome as Legate to Scotland and Ireland.[2] He held a Council at Perth, which sat three days. It determined a controversy between the monks of Kelso and the Bishops of St. Andrews and Glasgow,[3] and made not a few canons, of which nothing more is recorded than that one of them enacted that no priest who had been ordained on Sunday should continue to officiate at the altar.[4] What was thus forbidden in Scotland seems to

Priests ordained on Sunday not to minister at the altar.

652. Chron. J. Brompt. col. 1196, 1197. Labb. et Coss. Conc. t. x. col. 1758.)

The independence of the Scottish Church recognised by Popes Celestine III., Innocent III., and Honorius III., A.D. 1192-1218.

The Bull of Pope Clement III. of 1188 was renewed by Pope Celestino III. in 1192, by Pope Innocent III. in 1200, and by Pope Honorius III. in 1218.—(Annal. R. de Hoved. p. 714. Labb. et Coss. Conc. t. x. coll. 1790, 1791. Reg. Episc. Glasg. vol. i. pp. 77, 78. J. de Ford. Scotichron. lib. viii. capp. 67, 68. Foedera, vol. i. pp. 152, 153. Theiner, Vet. Monum. Hib. et Scot. p. 8.)

Three of these Bulls were among the Records of Scotland in the Treasury at Edinburgh in the year 1282. One, the Bull of Pope Honorius III., was among the Scottish Records carried to Berwick by King Edward I.—(Act. Parl. Scot. vol. i. app. to pref. pp. 2, 6.) It seems never to have been restored to Scotland. It was long kept in the English Treasury, and is now among the Public Records at London. Its writing may be regarded as among the triumphs of the Roman chancery.

It is doubtless to the Bull of Pope Clement III. that an English annalist, antedating it by more than twenty years, refers in the following passage: 'En le tempe cesti Maneloun furount desseuerez lez Euesqes Descoce del obedience et mestirapolonite del Ercouesque Deuerwyk, qi vnqes ne obedierent puis nul fors soulement cely de Galeway.'—(Scalacronica, p. 39.) 'Whitherne,' says Mr. Raine, 'seems to have been given up to York by common consent.' He adds that 'it would have been more just and fair, if this sentence had been delivered when there was a northern primate.'—(Fast. Ebor. pp. 250, 251.)

[1] Foedera, vol. i. p. 50.

[2] The style which he takes in his own writs is 'Apostolice Sedis in Scocia et Ybernia Legatus.' But Hoveden calls him 'Apostolicae Sedis in Scotia et in Hibernia et in Insulis adiacentibus.'—(Reg. Cart. de Kelso, vol. ii. pp. 327-329. Annal. R. de Hoved. pp. 822, 823.)

[3] Reg. Cart. de Kelso, vol. ii. pp. 327-329, 333, 334, 341, 342, 355, 356. Reg. Episc. Glasg. vol. i. pp. 80-84.

It appears that there were present at his Council at Perth, on one of the three days on which it sat (the 6th December), five Bishops (St. Andrews, Glasgow, Aberdeen, Dunkeld, and Murray), seven Abbots (Kelso, Arbroath, Lindores, Kilwinning, Melrose, Holyrood, and Jedburgh), one Dean (Glasgow), two Archdeacons (Lothian and Glasgow).

[4] 'Anno MCCI. Johannes presbyter Cardinalis ad titulum S. Stephani in Celio Monte venit Legatus in Scotia, et mense Decembri per triduum tenuit Concilium apud Perth. In quo Concilio amoti sunt ab officio altaris qui die Dominico ordinem sacerdotalem susceperunt.'—(J. de Ford. Scotichron. lib. viii. cap. 62.)

'Johannes de Salerno presbyter Cardinalis tenuit Consilium suum apud Perth ibidemque multa constituit observanda . . . Apud Melros honorifice susceptus, per quinquaginta noctes et amplius commoratus est maxime ut controversiam inter mona-

have obtained in England until the year 1163, when Pope Alexander the Third, in a rescript to the Bishop of Bath, declared that it was unlawful for any one but the Pope himself to confer holy orders upon the Lord's day.[1] Two years afterwards the same Pontiff, in a rescript to the Bishop of Hereford, condemned tho custom, prevalent in certain Scottish and Welsh dioceses, of ordaining clerks on the occasion of consecrating churches or altars, at other times than in the Ember Weeks.[2]

Ordinations in Scotland not always in the Ember Weeks, A.D. 1165.

In the next synod[3] which was held in Scotland, a Scottish prelate presided with tho authority of Rome. It was convoked hy William Malvoisin hishop of St. Andrews, on whom, jointly with Walter bishop of Glasgow, Pope Innocent the Third is said to have conferred the office of Legate of the Apostolic See. The Council met at Perth, and was attended not only by bishops, prelates, and clergy, hut hy laymen, whose presence would seem to have been commanded by the King according to the custom

Legatine Council at Perth, for preaching a Crusade, A.D. 1212.

chos de Kelcou et monachos de Melros pacificaret. Qui utrique parti bene pollicitans, nulli satisfaciens, quamplurima dona, scilicet, auri et argenti necnon et equorum plurimorum, ab utraque parte auferens, nulli quioqnam commoditatis conferens, litem penitus indeterminatam reliquid.' — (Chron. de Mailr. p. 104.) Cf. Chron. de Lanercost, p. 1; Palg. Doc. illust. Hist. Scot. vol. i. p. 74. Wynt. Orig. Chron. Scot. book vii. chap. 8.

[1] Decretal. Greg. lib. I. tit. xi. cap. 1: 'Diebus Dominicis, vel Sabbatho Pentecostes, sacri ordines ab alio, quam a Papa, conferri non debent.'

[2] Decretal. Greg. lib. I. tit. xi. cap. 2: 'Non valet consuetudo quod extra statuta tempora sacri ordines conferantur.'

Synod at Perth, 11th Apr. 1206.

[3] Thomas Innes, in his List of Scottish Councils, cites a writ in the possession of the Viscount Arbuthnott to prove that a Provincial or National Council, 'Synodus Generalis,' was held at Perth on the 11th April 1206. But Mr. Grub has pointed out that the writ cited does not contain the terms 'Synodus Generalis,' and that the assembly was not a Provincial Council of the Scottish Church, but 'a Synod of the clergy within the Archdeaconry of St. Andrews.' — (Eccl. Hist. Scot. vol. i. p. 296.)

The writ may be left to speak for itself: 'Patricius de Dunfermelyn, et Henricus de Aberbroth, Reimbaldus de Scone, et Guido de Lundores, abbates, et Thomas de Sancto Andrea, et Johannes de May, et Berengarius de Rostinoth, priores, et Ranulfus archidiaconus de Sancto Andrea, et decani et clerici qui interfuerunt Sinodo apud Pert, tercio Idus Aprilis anno ab incarnatione Domini M°.CC°.VI°. Omnibus has literas visuris vel audituris eternam in Domino salutem. Noverit universitas vestra quod causa que vertebatur inter Willelmum bone memorie Episcopum Sancti Andree ex una parte, et Duncanum de Aberbuthenoth ex alia parte, super terra de Aberbuthenoth que appellatur Kirketun quam idem Episcopus ad ecclesiam Sancti Andree de jure spectare dicebat quin etiam predictus Duncanus eandem ecclesiam pretermisso juris ordine spoliavit ut asserebat, finem legitimam in hunc modum auctoritate Sinodi generaliter est sortita, scilicet, quod audita propositione juris quod idem Episcopus in predicta terra se habere dicebat, audita etiam contradictione partis adverse per testes omni exceptione majores, veritate plenius inquisita et cognita, communi assensu omnium qui intererant Sinodo, diffinitivam sententiam promulgavimus, tam possessionem quam proprietatem ejusdem terre et hominum qui in ea manserunt ecclesie Sancti Andree et eidem Willelmo Episcopo adjudicantes, et prefato Dunecano et successoribus suis perpetuum silentium imponentes. Et ut processus negotii plenius possit innotescere attestationes quarum auctoritate predictam sententiam protulimus inferius scribi dig-

of the time. In obedience to the Pope's desire, the bishops agreed to preach a crusade for the relief of Jerusalem. Their exhortations were not in vain; but it was remarked that among the multitudes who took the cross, there were few of the rich or great.[1]

Scottish Prelates at the Lateran Council, A.D. 1215.

Three Bishops, an Abbot, and representatives of the other prelates of Scotland, attended the Fourth Lateran Council, which met in the year 1215.[2] In order to equip another expedition for the recovery of the Holy Land, it imposed upon all ranks of the clergy a tax of a twentieth part of their incomes for three years, to be collected by delegates from Rome.[3] The Apostolic Nuncio, Cardinal Giles of Torres, reached Scotland in the year 1220, when he assembled the Scottish prelates, and received the subsidy.[4]

Council or Assembly of the Scottish clergy, A.D. 1220.

Legatine Council at Perth, 9-12 Feb. 1221.

In February 1221, a Council was held at Perth by a Chaplain and Penitentiary of Pope Honorius the Third, James, canon of St. Victor at Paris, Legate to Scotland, Ireland, and the Isles.[5] All that is ascer-

sum ducimus. Sunt autem hee attestationes,' etc. etc.—(Miscell. Spald. Club, vol. v. pp. 210, 211.)

Laymen present in Scottish Councils in the thirteenth century.

[1] A.D. 1212. 'Willelmus Malevicinus S. Andreae episcopus, de voluntate et licentia Domini Regis, transfretavit, patriam suam et parentes Galliae visitaturus; qui denuo ad partes rediens, sibi a Domino Papa in Legatione adjuncto Waltero Glasguensi episcopo, coacto apud Perth grandi Concilio episcoporum praelatorum et cleri Scotiae, ac aliorum, ut moris est, de mandato Domini Regis, statuum, ostenderunt omnibus voluntatem et mandatum Domini nostri Papae de itinere Hierosolymitano praedicando. Unde quamplures et innumerabiles per universam Scotiam, praedicatione dictorum Episcoporum et eorum missorum sive suffraganeorum, omnium ordinum religiosorum et clericorum secularium, Cruce signati sunt; pauci tamen de divitibus vel potentibus regni.—(J. de Ford. Scotichron. lib. viii. cap. 78.)

Lord Hailes remarks that 'it is not quite certain to whom the words *de mandato Domini Regis* are applicable.' He renders the passage, 'there assembled a great number of the bishops, prelates, and clergy of Scotland, and of the other estates, by the King's warrant, as is the custom.'—(Hist. Mem. Prov. Counc., in Ann. of Scot. vol. iii. p. 234.)

[2] The Scottish prelates who were present at the Council were the Bishops of St. Andrews, Glasgow, and Murray, and the Abbot of Kelso: 'Ceteri vero praelati personaliter Romam non adierunt sed legatos suos miserunt.'—(Chron. de Mailr. pp. 121, 122.)

[3] Labb. et Coss. Conc. t. xi. col. 228.

[4] A.D. 1220. 'Hoc etiam anno congregati sunt omnes praelati Scotiae, ad mandatum Domini Aegidii nuncii Apostolici, ubi recepit vicesimam partem omnium bonorum ecclesiasticorum trium annorum, in succursum Terrae Sanctae, sicut provisum fuerit in Concilio Lateranensi.'—(J. de Ford. Scotichron. lib. ix. cap. 36.)

[5] He styles himself 'Frater Jacobus Domini Pape Penitentiarius et Capellanus, Apostolice Sedis Legatus.'—(Reg. Episc. Morav. p. 16. Reg. Cart. de Kelso, vol. i. p. 335.)

He was commissioned by Pope Honorius III. as Legate to Scotland, Ireland, and the Isles. The object of his mission is set forth in the Pontiff's letters commendatory, dated at Civita Vecchia on the 2d July 1220: 'Quia in partibus vestris multa vitiorum germina pullulare dicuntur, que falce Apostolici moderaminis convenit amputari, nos dignum ducentes illuc aliquem de latere nostro mittere,

Letter from Pope Honorius III. commending his Legate to King Alexander II., 2d July 1220

tained of its deliberations is that they were prolonged through four days,[1] and that the Legate and most of the Bishops represented to the Pope that the Constable of Scotland, the great Alan of Galloway and his wife were within such degrees of blood and affinity that their marriage was a mortal sin. The Pontiff ordered further inquiry to be made; and as the Legate quitted Scotland without bringing the matter to a conclusion, it was remitted to the judgment of the Archbishop of York and of the Bishops of Carlisle and Oxford.[2] The issue is unknown. Nor is it known what was the issue of the Legate's instructions to hear and determine the questions in dispute between the Prior and canons of St. Andrews, on one side, and their Bishop and 'certain clerics of St. Andrews, commonly called Culdees,' on the other.[3]

The Legate had to deal with a higher matter. The Kings of the Scots,

qui aspera in vias planas, et pravia in directa convertat: ecce misimus ad vos dilectam filium Magistrum Jacobum, capellanum et penitentiarium nostrum, Apostolice Sedis Legatum, virum scientia et religione probatum, et nobis ac fratribus nostris merito sue probitatis acceptum, concessa sibi plenaria potestate, ut evellat et destruat, edificet atque plantet, prout queque secundum datam sibi a Deo prudentiam evellenda viderit et plantanda.' —(Theiner, Mon. Vet. Hibern. et Scot. pp. 15, 16.)

[1] 'Anno Domini M.CC.XXI. Magister Jacobus, Canonicus Sancti Uictoris Parisius, Apostolice Sedis Penitentialis, Scotie et Hybernie Legatus, convocatis totius regni praelatis apud Pert, tenuit generale Concilium, quatuor diebus continuis, incipiens ab Octavis Purificationis.'—(Chron. de Mailr. p. 138.)

Cf. J. de Ford. Scotichron. lib. ix. capp. 36, 37: 'dispensavit ut Innocentius prior Insulae Missarum de Priore Abbas fieret, et sui sequaces; qui benedictionem recepit ab Episcopo Dumblanensi.'

[2] Theiner, Mon. Vet. Hib. et Scot. pp. 20, 21.

Unlawful marriage of Alan of Galloway, Constable of Scotland, A.D. 1221-22

Alan of Galloway—'the Great Alan,' as he was called—one of the Magna Charta barons, is known to have had three wives. (1.) By the first, whose name has not been preserved, he had a daughter Helen, who married Roger of Quincy, Earl of Winchester in his own right, and Constable of Scotland in right of his wife. (2.) By his marriage at Dundee, in 1209, with Margaret, eldest daughter of David, Earl of Huntingdon and the Garioch, brother of King William the Lion, he left a daughter, who, in 1233, married John Balliol of Barnard Castle, by whom she had a son, who, in 1292, succeeded through his mother to the Crown of Scotland. (3.) By a daughter of Hugh of Lacy, whom he married in Ireland, in 1228, he left no issue.—(Chron. de Mailr. pp. 108, 143, 144. Chron. de Lanerc. pp. 5, 40, 42, 142, 143. J. de Ford. Scotichron. lib. viii. cap. 68, lib. ix. capp. 47, 48. Wynt. Orig. Chron. Scot. book viii. chap. vi. Lord Hailes' Addit. Suther. Case, chap. ii. pp. 27-30.)

The marriage condemned as unlawful by the Papal Legate and the Scottish Bishops in 1221, has hitherto escaped notice. It must have been contracted after the death of Alan's second wife, the daughter of the Earl David. I hazard the conjecture that its issue may have been Thomas, the Bastard of Galloway, who married a daughter of Reginald, King of Man and the Isles, and whose claim to his father's lordship or principality of Galloway was supported by a general rising of the natives.—(Matth. Paris. Hist. Angl. p. 363. Chron. de Mailr. pp. 144-147. Chron. de Lanerc. p. 42. J. de Ford. Scotichron. lib. ix. capp. 48, 49. Wynt. Orig. Chron. Scot. book vii. chap. ix.)

[3] Theiner, Mon. Vet. Hib. et Scot. p. 16: 'adversus Episcopum suum et quosdam clericos de S. Andrea, qui Keledei vulgariter appellantur.'

Clerics of St. Andrews, commonly called Culdees.

The Scottish Kings neither anointed nor crowned until A.D. 1331.

when they ascended the throne, had been invested with certain ensigns of royalty, but they had not been anointed, nor had they been crowned with a regal diadem.[1] Seven years had passed since King Alexander the

The Emperor and the Kings of Jerusalem, of France, of England, and of Sicily, the only princes anointed of old.

[1] 'There were anticntly but four anointed beside the Emperors,' says Selden, 'that is the Kings of Hierusalem, of France, of England, and of Sicily.'—(Tit. of Hon. par. I. chap. viii. § 1. Works, vol. iii. col. 237.)

The Kings of Aragon, of Portugal, of Navarre, etc., not crowned of old.

Giraldus Cambrensis, writing about the year 1220, affirms that the Scottish Kings were neither anointed nor crowned: 'Scotorum autem principes, qui et Reges dicuntur, sicut et Hispaniae principes, qui nec coronari tamen consueverant nec inungi.'—(De Instruct. Princip. p. 201.)

The King of Scots said not to have been enthroned by a Bishop until the fourteenth century.

In the competition for the kingdom of Scotland in 1292, it was asserted on one side, and admitted on the other, that the King of Scots was neither anointed nor crowned, nor seated on his throne by a Bishop: 'Le Prince de Gales, en son tens, si tient plus franchement de la coroune de Engleterre, que ne fist le Seignur de Escoce; car il aveit garlandeche, e fust assis en se par Evesques. . . . E pur ceo quo il ne avoit unques Rei de Escoce enoynt ne corune, respont Sire Johan de Balliol, que . . . enuneeion de Roi ne encoroment du Rei ne sont fors signe du Roi, quel il deit estre. . . . Estre ceo, dist il que il sont plusurs Rois qui regnent qui ne sont pas coronez, come les Ruis de Espaine, le Roi de Portingale, le Rei de Saverne e le Roi de Vaxen', qui tient lur reaume du Roi de Alemaigne, e ausi le Roi de Aragoun.—(W. Rishanger, Chron. et Annal. pp. 339-342. Rot. Scot. vol. i. p. 12.)

In the year 1329, King Robert Bruce sent messengers to Rome to request that the Bishop of St. Andrews, who had been in use to invest the Scottish Kings with the ensigns of royalty, might thenceforth be authorized by the Pope to crown and anoint them.—(Theiner, Mon. Vet. Hib. et Scot. p. 244.) See below, p. xlvii.

No Scottish King crowned and anointed before King David II.

The request was granted, and the Scottish chronicles of the year 1331 relate that Bruce's son, King David II., was the first anointed sovereign, the first sovereign crowned with such solemnity, in Scotland: 'ante quem nullus Regum Scotiae legitur fuisse inunctus, vel cum tali solemnitate coronatus. . . . Unde quidam:

> Scona novo more veneratur lege Coronae,
> Quae tantum Cathedrae gaudere solebat amore.'

—(J. de Ford. Scotichron. lib. xiii. cap. 21.) This passage sufficiently refutes the rhetorical assertion in a previous page (lib. x. cap. 2), that King Alexander III. was anointed and crowned.

Inaugurations of the Kings of the Scots, A.D. 1057-1306.

Elsewhere (lib. v. cap. 9; lib. viii. cap. 1) the Scotichronicon speaks loosely of the 'coronation' of King Malcolm Ceanmohr in 1057, and of King Malcolm the Maiden in 1153. But it is not supported by the language of the earlier annalists. The Chronicle of Melrose (pp. 51, 52) says of King Malcolm Ceanmohr, 'suscepit regnum;' of his son, King Duncan, 'susceptus est in Regem;' of King Edgar, 'regnum Scocie suscepit;' of King Alexander I., 'successit in regnum.' St. Ailred of Rievaux writes of King David I., 'obsequia illa quae a gente Scottorum in novella Regum promotione, more patrio exhibentur, ita exhorruit, ut ea vix ab episcopis suscipere cogeretur.'—(Eulog. Dav. § 2. in Pinkert. Vit. Antiq. SS. Scot. p. 441.) John of Hexham says of King Malcolm the Maiden, 'apud Scotiam [*l.* Sconam], sicut consuetudo illius nationis est . . . constituerunt Regem.'—(Priory of Hexham, vol. i. p. 170.) The Chronicle of Melrose (pp. 80, 114, 178) says of King William the Lion, 'more Regio elevatus in regnum;' of King Alexander II., 'more Regio et digna celebritate regni Scotiae gubernacula suscepit;' of King Alexander III., 'patrio more. . . . Rex constitutus, in paterno solio collocatur, et ut legitimus heres ab omnibus honoratur.' The Chronicle of Lanercost (pp. 11, 55, 144) says of King Alexander II., 'inthronizatus est;' of King Alexander III., 'more patriae in paterno solio collocatur;' of King John Balliol, 'apud Sconam sublimatus est in Regiam sedem;' of King Robert Bruce, 'factus fuit Rex Scotiae apud Sconam;' of King David II., 'inunctus et coronatus fuit.' Even the Scotichronicon (lib. viii. cap. 12; lib. xi. cap. 14; lib. xii. cap. 9) says of King William the Lion, 'in cathedra Regali honorifice sublimatur;' of King John Balliol, 'erectus est in Regem apud Sconam, et ibidem ut moris fuit in cathedra Regali positus et honore debito sublimatus;' of King Robert Bruce, 'ad Sconam . . . in sede positus Regali modo quo solebant

King Alexander II. requests that he may be crowned by the Papal Legate, A.D. 1221;

Second was inaugurated at Scone after the fashion of the country, but with more than usual ceremony.[1] Yet be now asked that he might be crowned by the representative of the Apostolic See. The Legate transmitted the request to the Pope, and the Pope at once rejected it. The King of the Scots, he replied, is said to be the subject of the King of England, and he is not to be crowned, therefore, by the Legate of the Holy See, unless with the consent of the English King and his Bishops.[2] Twelve years afterwards, King Alexander preferred to Pope Gregory the Ninth the request which Pope Honorius the Third had refused. It was successfully opposed by tbe Archhishop of York, backed by King Henry the Third, as an

the request is refused;

is renewed A.D. 1233;

is again refused.

Reges Scotiae insigniri.'—Cf. Barbour's Bruce, xiii. 4-7, p. 32 (Spald. Club edit.), book ii. ll. 808-811, p. 28 (Dr. Jamieson's edit.) Wyntown says of King David II.:

> 'Oyntyd befor him wes na Kyng
> That Scotland had in governyng.'

—(Orig. Chron. Scot. book viii. chap. 24.)

Inauguration of King Aidan by St. Columba, A.D. 574.

What Adamnan relates of the ordination of Aidan, King of Dalriada, by St. Columba, in the island of Iona, in the year 574, is acknowledged to be the earliest record yet discovered of the inauguration of any Christian King. It speaks of ordaining, of laying on of hands, of blessing; but it is silent as to crowning and anointing.—(Mart. De Antiq. Eccl. Rit. lib. ii. cap. x. t. ii. p. 594, edit. 1736. Dr. Reeves' Adamn. Life of St. Columb. lib. iii. cap. 5. T. Innes' Civ. and Eccl. Hist. Scot. pp. 200-202. Selden's Tit. of Hon. par. I. chap. viii. § 1. Works, vol. iii. coll. 247, 248.)

Coronet of King John Balliol, A.D. 1300.

But although not 'crowned' in the stricter sense of the word, it is sufficiently certain that at least some of the later Scottish Kings had crowns of some sort set upon their brows. Thus, in the spring of 1300, what an English chronicle calls the royal crown of Scotland, 'corona Regia regni Scotorum aurea,' was taken from the coffers of King John Balliol at Dover, and sent as an offering to Becket's shrine at Canterbury.—(T. Walsingh. Hist. Angl. pp. 76, 77. edit. 1602; vol. i. p. 78. edit. 1863.)

Coronet of King Robert Bruce, A.D. 1307.

So also, in March 1307, King Edward I. granted a pardon to Geoffrey of Coigners for keeping and concealing a certain coronet of gold, 'quaedam coronetta [*al.* coronella] aurea,' with which the King's enemy and rebel, Robert of Bruce, caused himself to be crowned in Scotland.—(Foedera, vol. i. p. 1012. Calend. Rot. Patent. in Turr. Lond. p. 67.)

[1] '[Comites] de Stratherne, de Atholia, de Angusia, de Menteth et Buchania, una cum Episcopo S. Andreae Willelmo Malevicino et aliis trium statuum in magna copia . . . nobilem et bonae indolis adolescentem filium Regis Alexandrum, sedecim et semis annorum pubescentem, assumpserunt; et secum usque ad Sconam adducentes, sublimius et gloriosius quam eo usque quisquam . . . coronatus est.'—(J. de Ford. Scotichron. lib. ix. cap. 1.)

Rescript of Pope Honorius III. forbidding his Legate to crown King Alexander II. A.D. 1221.

[2] A.D. 1221. 'Inter haec Alexandro Scotorum Rege regni insignia sibi ab Jacobo capellano Apostolicae Sedis in Anglia [*l.* Scotia] Legato dari postulante, Pontifex a Legato consultus respondit (lib. 5, ep. 717) imponendae illi coronae provinciam ad ipsum non spectare, cum Scotus Anglorum Regis vectigalis putaretur, caveretque ne tantam rem sine Regis Angliae consensu aggrederetur: *Super eo quod charissimus in Christo filius noster Rex illustris Scotorum a te postulat coronari, tibi breviter respondemus, quod nequaquam ejus coronatio ad te spectat cum charissimo in Christo filio nostro Regi Anglorum illustri subesse dicatur. Unde nolumus ut tu inde aliquatenus intromittas, ne regnum Angliae alii regno postponere videremur, nisi forte id de ipsius Regis Angliae ac consiliariorum suorum procederet voluntate; cum nolimus alterum in alterius injuriam honorare; sed si ad hoc memoratus Rex et ejus consiliarii consentirent, tunc ad coronationem alterius procedere posses, de consilio praelatorum Angliae, ita quod juri alterius exinde nullatenus derogetur. Datum Laterani.*'—(Od. Raynaldi Annal. Ecclesiast. ann. 1221. § xlix. t. i. p. 498. edit. 1747.)

encroachment alike on the right and dignity of the English crown, and on the right and privilege of the church of York.[1]

King Henry III. of England requests the Pope to forbid the unction or coronation of King Alexander III. of Scotland, A.D. 1251.

But although thus twice unsuccessful, the object was not abandoned. A few months after King Alexander the Third had been placed on the Stone of Fate at Scone, King Henry the Third petitioned Pope Innocent the Fourth for a mandate to forbid the anointing or coronation of the King of Scots, without consent of the English King, whose liegeman, he said, the King of Scots was. 'It is not the custom of the Apostolic See,' the Pope answered, 'to issue such prohibitions as you ask, and you must not be surprised, therefore, if we decline your request; but you may be assured, at the same time, that we will not grant anything to any one which we believe prejudicial to the dignity of a sovereign prince.'[2]

King Robert Bruce procures the Papal sanction to the crowning and anointing of the Scottish Kings, A.D. 1329.

So the matter rested for nearly eighty years. King Robert the First had been inaugurated in haste, with less than the accustomed pomp; the solemn sanction of the Lia Fail, the Stone of Destiny, the Pillow of Jacob,

[1] A.D. 1233, Maii 6. ann. 17. Henr. III. 'De proclamando per totum regnum quod Rex appellationem, quam W. Eboracensis Archiepiscopus, Angliae Primas, per se vel per certos nuncios suos, interpositurus est tam pro jure Regis quam suo, ne Alexander Rex Scottorum in Regem se faciat coronari in praejudicium regiae dignitatis et libertatis ipsius Archiepiscopi et ecclesiae suae, ratam habet gratam et acceptam.'—(Foedera, vol. i. p. 209. Calend Rot. Pat. p. 16.)

Rescript of Pope Innocent IV. to King Henry III. refusing to prohibit the coronation of King Alexander III., 6th Apr. 1251.

[2] 'Ex parte tua fuit nobis cum instantia supplicatum, ut tibi, ne carissimus in Christo filius noster Rex Scotiae illustris, absque tuo assensu inungi vel coronari posset, cum sit ligius homo tuus tibique homagium fecerit, concedere curaremus. Quia vero talia concedere Sedes Apostolica minime consuevit, non mireris, si te non exaudivimus in hac parte. Noveris tamen quod alicui non concederemus aliquid, quod redundare crederemus in praejudicium regiae dignitatis. . . . Dat. Lug. VIII. Id. April. pontif. ann. VIII.'—(Raynald. Ann. Eccles. ann. 1251. § XXV. t. ii. p. 444. Foedera, vol. i. p. 277.) Cf. Ant. Kal. and Invent. of Treas. of Excheq. vol. i. p. 22.

Pope Innocent's answer was regarded as a triumph by the Scots. They appealed to it half a century afterwards, in the pleadings before Pope Boniface VIII. for the independence of Scotland against the claims of King Edward I. of England: 'Cum enim Rex Scotiae super sua inunctione et coronatione ab hac Sacra Sede procurandis, cum suis magnatibus et proceribus tractatum haberet, rumor de hoc ad Regem Angliae perlatus est: qui statim per nuncios suos et literas Domino Innocentio [Papae quarto] supplicavit instanter, ut in hac parte votis Regis Scotiae non annueret absque consensu suo, quia hoc in praejudicium ipsius Regis Angliae cederet, cum Rex Scotiae homo suus ligius esset, et sibi homagium faciebat. Hanc suam supplicationem Dominus Innocentius admittere recusavit, supponens Regem Scotiae, quantum pro regno Scotiae, fore liberum omnino a Rege Angliae, licet forsitan, pro quibusdam terris quas Reges Scotiae obtinent in Anglia, ipsi Regi Angliae fidelitatem et homagium faciebant.'—(J. de Ford. Scotichron. lib. xi. cap. 56.) Cf. cap. 54: 'Petenteque aliquando Rege Angliae ab Innocentio Papa quarto, quod Rex Scotiae se non posset facere, ipso inscio, in Regem coronari vel inungi, Innocentius idem Papa petitionem hujusmodi repulisse noscitur, praesentibus procuratoribus partium, in Concilio Lugdunensi, satis per hoc determinans regnum Scotiae Regi Angliae non subesse.'

was wanting to the rite; and in tho last days of his reign, he sent ambassadors[1] to Rome to request of the Apostolic See that he and his successors might be anointed and crowned hy the Bishop of St. Andrews. The success of his arms and the wisdom of his counsels had silenced the opposition of England, and the privilege so long covetod was conceded at last.[2] It came too late for Bruce himself, who died at Cardross a few days before the hulls passed the seals at Avignon.

Scottish Coronation Oath: its clause for the extirpation of heretics enjoined by the Pope, A.D. 1329.

They were accompanied with one condition. Thoy required the officiating bishop, in the name of the Pope and the see of Rome, to exact an oath from the King and his successors that they would do their utmost to root out of their kingdom and dominions all whom the Church should denounce as heretics.[3] The oath failed to restrain Scotland from supporting the Antipopcs; but its intolerance, however fruitless, made it dear to a people whose porfervid genius cherished the right of persecution as a

[1] Twn nf them are named—the Bishop of Murray and the Bishop of Brecbin. A sum of 4000 marks was provided for tbe despatch nf their business at Rome.—(Chamber. Rolls, vol. i. p. 96.)

Bull of Pope John XXII. for the unction and coronation of the Scottish Kings, 13th June 1329.

[2] 'Joannes Episcopus servus servorum Dei, carissimo in Christo filio Roberto Regi Scotie illustri, salutem et Apostolicam benedictionem. . . . Ex tenore tue petitionis accepimus, tam tu quam predecessores tui Reges Scocie consueveritis ab Episcopis Sancti Andree . . . ab antiquis retroactis temporibus insignia recipere Regie dignitatis. Quare tu per tuos solempnes auncios quos propter hoc ad Sedem Apostolicam specialiter destinasti nobis humiliter supplicasti, quod tibi Coronationem et Inunctionem cum ceteris regalibus insigniis ab Episcopo Sancti Andree . . . alioquin ab alio regni Scotie antistite, tu et successores tui Reges Scocie valeatis recipere, auctoritate Apostolica concedere . . . dignaremur. Nos . . . tuis supplicationibus grato concurrentes assensu, ut tam tu, quam successores tui, qui tibi legitime in regno predicto succedent, in devotione Romane ecclesie persistentes, a Sancti Andree aut . . . a Glasguensi Episcopis . . . gratiam et communionem Apostolice Sedis habentibus, possitis Unctionem et Regium suscipere Dyadema; idemque Sancti Andree vel . . . dictus Glasguensis Episcopus auctoritate Apostolica adhibito secum decenti Episcoporum numero, tum propter Regiam bonorificentiam, tum propter Sacre reverentiam Unctionis, more debito te et successores predictos Inungere, tuoque et illorum verticibus auctoritate predicta Regium imponere valeant Dyadema, iure tamen Romane ecclesie et cuiuslibet alterius in omnibus semper salva . . . indulgemus. . . . Datum Avinione, Id. Junii, pontificatus nostri anno XIII.'—(Theiner, Mon. Vet. Hib. et Scot. pp. 244, 245.)

The original Bull is in the Advocates' Library at Edinburgh. Ruddiman transcribed it for Wilkins, who printed it in the Conc. Mag. Brit. et Hib. vol. ii. p. 555.

Scottish Coronation Oath: its persecuting clause as first introduced by Pope John XXII. A.D. 1329.

[3] 'Volumus autem, quod idem Episcopus, qui premissa exercuerit . . . ab eisdem Regibus tempore Unctionis et Coronationis huiusmodi nostro et eiusdem ecclesiae Romanae nomine corporale recipiat iuramentum, quod de prefato regno et aliis terris suis sueque ditioni subiectis universos hereticos ab ecclesia denotatos bona fide pro viribus exterminare studebunt.'—(Theiner, Mon. Vet. Hib. et Scot. pp. 244, 245.)

Another Bull, addressed in nearly the same words, to the Bishop of St. Andrews, commanded him to exact the prescribed oath: 'addita imperia, ut ab eodem Rege et successoribus sacramentum de tuenda immunitate ordinis ecclesiastici, excindendisque haereticis, exigerent.'—(Raynald. Annal. Ecclesiast. ann. 1329. §§ lxxix. lxxx. t. v. pp. 455, 456.)

Scottish Coronatioe Oath: its persecuting clause ratified and renewed, io A.D. 1567 and A.D. 1689.

duty of religion;[1] and it outlived both the Reformation and the Revolution. It might have been cited to justify the doom of Wishart to the flames and of Knox to the galleys; yet Knox would have aggravated its terms;[2] and they were ratified by the Parliament which established the Protestant religion.[3] They might have been used to vindicate the severities of the reigns of King Charles the Second and King James the Seventh; yet the Convention which adopted the Claim of Right stamped them with its deliberate approval;[4] and if the wisdom or the humanity of King William the

Toleratioe opposed in Scotland as a violatioe of the Claim of Right, as illegal, ueconstitutional, impossible, A.D. 1709-12;

[1] Milton reproached the Scots of his day with adjuring

'The civil sword
To force our consciences that Christ set free.'

And such was the tenacity with which they clung to the persuasion that liberty to trample on the religion of others was essential to the liberty or the enjoymeot of their own religion, that De Foe, the champion ond martyr of religioue freedom in England, writing ofter the Union, has a long and specions argumeat to prove that although toleration is indispensable in England, the difference in that respect between England and Scotland 'is so wide that no argument can be drawn from the one to the other;' that 'the Scots oppose o toleration by a Claim of Right;' that 'neither the Church oor the people of Scotland can legally give their consent to any act of toleration;' 'that the Church of Scotland is so established that her enemies cannot impose toleration apon her;' and 'that her Charch privileges cannot be invaded by a toleration, without destroying the civil as well as ecclesiastic constitution.'—(Hist. of the Union, pp. 28-31. edit. 1786.)

as absurd and perfidious, A.D. 1780;

I have before me an able and laborious dissertation on the 'Absurdity and Perfidy of all authoritative Toleration,' published at Glasgow in 1780 by John Brown of Haddington, the most popular Nonconformist divine in Scotland of his day.

as a sin forbidden in the Decalogue.

The doctrine that 'tolerating a false religion' is a 'sin' forbidden in the Second Commandment, keeps its place to this hour in the Larger Catechism (quest. 108) agreed apon by the Assembly of Divines at Westminster in 1648, and still sanctioned and used by the Church of Scotland, although it failed to receive the recognition of the State at the Revolation.

Compare Miscell. Maitl. Club, vol. iv. pp. 212-214; and see below, p. 268.

[2] Booke of the Univ. Kirk of Scotland, vol. i. pp. 108, 109. Act. Parl. Scot. vol. iii. pp. 35-39. Knox, Hist. Reform. Scot. vol. i. pp. 441-451, 565.

Scottish Coronatioe Oath: its persecuting clause as revised ot the Reformation, A.D. 1567.

[3] 'Becaus that the lncres of vertew and suppressing of idolatrie crauis that the prince and the peple be of ane perfyte religioun . . . it is statute and ordanit . . . that all Kingis . . . quhilkis . . . sall happin to . . . beir reule oner this realme, at the tyme of thair Coronatioun . . . mak thair faithfull promise be aith, in presence of the Eternall God, that . . . they sall . . . abolische and gainstand all fals religioun . . . and out of thair landis ond empyre thay salbe cairfull to ruite out all heretykis, and enemeis to the trew worschip of God that salbe conuict be the trew Kirk of God, of the foirsaidis crymis.'—(Act. Parl. Scot. vol. iii. pp. 23, 24.)

This was the exterminatieg clause of the oath as it was adjusted for the coronation of King James VI. in 1567. It was used at the coronation of King Charles I. in 1633, and ot the coronation of King Charles II. in 1651; along, on this last occasion, with another oath to maintain the National Covenant, and the Solemn League and Covenant, the latter binding its adherents 'without respect of persons, to eodeavour the extirpation of popery, prelacy,' etc.—(Sir J. Balf. Hist. Works, vol. iv. p. 392. Form and Ord. of Coron. of Kieg Char. II. pp. 36-38. Aberd. 1651.)

Scottish Coronation Oath: its persecuting clause as revised at the Revolution, A.D. 1689.

[4] 'The form of the oath to be taken by their Mojesties the King and Queen at their acceptance of the Croune, being tuice reade, was voted and approven by the Estates, of which oath the tenor followes: We . . . swear by this our solemne oath, in presence of the Eternall God, that . . . we . . . shall abolish ond gainstand all false religion . . . and we shall be carefull to roote out all hereticks and

Third revolted from their violence, the necessities of his position compelled him to profess with his lips what he abhorred in his heart.[1] His successor, the last sovereign of the house of Stewart, took the oath without scruple or reserve; and the Union, by substituting a declaration[2] more in accordance with the precedents of England,[3] happily relieved all following princes from the wickedness and mockery of a cruel and impossible obligation.

Scottish Coronation Oath its obligation to exterminate heretics abandoned, A.D. 1707.

In tho year 1225, the Scottish clergy were, by an unusual exorcise of the grace and prerogative of the Papal See, empowered to meet in Council without the summons or the presence of a Papal Legate.

Provincial Councils without a Legate or a Metropolitan.

Some of the Scottish bishops had represented to Pope Honorius the Third, that in a country which was so remote from Rome, and had no Archbishop to call a Provincial Council, the statutes of General Councils failed to receive due observance, and many enormities were suffered to pass unpunished. The Pontiff, therefore—having regard to the recent decree of the Fourth Lateran Council, that Metropolitans

Bull of Pope Honorius III. authorizing the Scottish Church to hold Provincial Councils, although it had no Archbishop, 19th May 1225.

enemies to the true worship of God that shall be convicted by the true Kirk of God of the forsaids crymes out of our lands and empire of Scotland.'—(Act. Parl. Scot. vol. ix. pp. 41, 48, 49.)

King William III. declares that he will not be bound by the persecuting clause of the Scottish Coronation Oath, A.D. 1689.

[1] 'The oath,' writes Lord Macaulay, 'was administered after the Scotch fashion. Argyle recited the words slowly. The royal pair, holding up their hands to heaven, repeated after him till they came to the last clause. There William paused. That clause contained a promise that he would root out all heretics and all enemies of the true worship of God; and it was notorious that, in the opinion of many Scotchmen, not only all Roman Catholics, but all Protestant Episcopalians, all Independents, Baptists and Quakers, all Lutherans, nay all British Presbyterians who did not hold themselves bound by the Solemn League and Covenant, were enemies of the true worship of God. The King had apprised the Commissioners that he could not take this part of the oath without a distinct and public explanation. . . . 'I will not,' he said, 'lay myself under any obligation to be a persecutor.' 'Neither the words of this oath,' said one of the commissioners, 'nor the laws of Scotland, lay any such obligation on your Majesty.' 'In that sense, then, I swear,' said William, 'and I desire you all, my lords and gentlemen, to witness that I do so.'—(Hist. of Engl. chap. xiii. vol. iii. p. 292. edit. 1855.) Cf. Mr. Burton's Hist. of Scot. vol. i. pp. 12, 13.

The oath, attested by the subscriptions of the King and the Queen, is in the Register House at Edinburgh.

[2] Act. Parl. Scot. vol. xi. pp. 403, 414, 454, 455.

[3] The Coronation Oath of King Richard II. may be seen in Prynne's Signal Loyalty and Devotion of God's True Saints, etc., towards their Christian Kings, part ii. pp. 234, 247. Lond. 1660; that of King Edward IV in Blackstone, book i. chap. 6; of King Henry VIII. in Sir H. Ellis' Lett. illust. of Engl. Hist. sec. ser. vol. i. pp. 175, 176; of King Edward VI., of King James I., and of King Charles I. in Prynne's Sign. Loyal. part ii. pp. 251, 269-272; of King William III. and of Queen Mary II. in the Statutes at Large, vol. vi. pp. 56, 57.

English Coronation Oaths, A.D. 1377-1689.

should hold Provincial Councils yearly for the correction of abuses, the reformation of morals, and the enforcement of the statutes of General Councils—considering also that the Scottish bishops were known to have no Metropolitan—issued a bull commanding them to hold their Provincial Council by authority of the Apostolic See.[1]

Provincial Councils to be held yearly: their constitution and form of procedure.

The Prelates of the Scottish Church, assembling under this sanction, ordained that all Bishops, Abbots, and conventual Priors should meet yearly in grave attire, on a day to be fixed by the Conservator, to hold a Council, which, if need were, might sit for three days. If any prelate were hindered from attendance by any canonical impediment, he was to send a sufficient proxy; if any prelate able to attend in person should absent himself, he was to be punished by the authority and at the discretion of the Council. Beginning with the Bishop of St. Andrews—the Bishop of the Scots, as he had not yet ceased to style himself, although precedence was the only pre-eminence which he enjoyed—each Bishop in turn was to preach at the opening of the Council yearly.

[1] Pp. 3, 257.

Lord Hailes' interpretation of the Bull of Pope Honorius III.

Lord Hailes read the Bull as giving authority only 'for holding *a* Council.' 'But,' he adds, 'the Scottish prelates sagaciously took advantage of its ambiguous style, considered it as of perpetual authority, and, under its sanction, held frequent Provincial Councils, without the interposition or consent of the Pope.'—(Ann. of Scot. vol. i. pp. 179, 217, 318; vol. iii. p. 237.)

It is, perhaps, not impossible to read the Bull as Lord Hailes wished to read it. But even Lord Hailes admits that its style is 'ambiguous'—that it may be read otherwise—and where there is a choice of interpretations, surely we should prefer that which we know to have been received without question at the time, and to be most consistent with the object of the Pope who issued the Bull, and with the good faith of the bishops to whom it was addressed.

Rome had nothing to lose by yearly Provincial Councils in Scotland. Indeed the purpose of the Lateran decree to which the Pope refers was to enforce anew, and more stringently, the old use of annually assembling Provincial Councils: 'Sicut olim a Sanctis Patribus noscitur institutum, Metropolitani singulis annis cum suis suffraganeis Provincialia non omittant Concilia celebrare. . . . Ut autem id valeat efficacius adimpleri, per singulas dioeceses,' etc. etc.—(Labb. et Coss. Conc. t. xi. coll. 153-156.)

If Rome had nothing to lose, the Scottish bishops had as little to gain by meeting yearly in Provincial Council, as may be seen from the provisions which were found necessary to compel their attendance, if not in person, at least by proxy. See pp. 4, 9, 10.

It would seem from what Lord Hailes writes about the establishment of Provincial Councils being 'a bold measure, admirably well calculated for securing the independency of the Church of Scotland, but fatal to the prerogative of the Roman See,' that he supposed that the institution of Provincial Councils excluded the visitations of a Papal Legate—a mistake from which a moment's reflection or a single glance across the Tweed might have saved him.

A Conservator to be chosen in each Council: his duties and powers.

The Bishops were to choose one of their number to be Conservator of the ordinances of the Council. He was to hold office from one Council to another, with power to punish notorious transgressors of the canons, and to enforce their observance by the censures of the church.[1] He called the Council together by a writ sent to each Bishop, warning him of the day and place of meeting, and requiring him to attend with the prelates of his diocese —in later times also with representatives of the cathedral chapters, of the collegiate churches, and of the conventual clergy.[2] If present, the Conservator presided in the Council, began the hymn 'Veni Creator,' and pronounced the benediction; if he was absent, his place was taken by the eldest Bishop.[3] Where it was necessary that the acts of the Council should be recorded in a formal writing, it ran in the name of the Conservator of the Privileges of the Scottish Church, and was authenticated by his seal.[4] It was ordained by an ecclesiastical statute of the thirteenth century, that persons excommunicated for invading the privileges or possessions of the church should not be absolved except by the Conservator.[5] In one instance, where the office of Prior was in dispute between two monks, an appeal was taken from the judgment of the Bishop of the diocese to the Conservator; but it does not appear that the appeal was held to be competent; and the question was decided by the King in Parliament, by the advice of the clergy present for the time.[6] A few

[1] Pp. 9, 10, 4.

The date of the canon containing the provisions recapitulated in the text, is uncertain. But it must have been some time after the Bull of Pope Honorius III. That pontiff appears to be spoken of as dead, and reference seems to be made to the long established use of assembling Provincial Councils in Scotland by authority of the Apostolic See: 'Autoritate . . . sacrosancte Romane ecclesie, nos prelati Scoticane ecclesie Concilium Prouinciale nostrorum predecessorum more celebrantes et laudabilem consuetudinem obseruantes.'

[2] Pp. 3, 4: 'Litera Conservatoris de Concilio Provinciali congregando.'

This letter is without date; but I follow Lord Hailes and the editor of the Register of the Bishopric of Murray in assigning it to the end of the fourteenth century.

[3] P. 4.

[4] Pp. 79, 80. Reg. Episc. Brechin. vol. i. pp. 98-104. Wilk. Conc. Mag. Brit. et Hib. vol. iii. pp. 544-547.

[5] Pp. 49, 50, statute 104.

Appeal from the Bishop of Murray to the Bishop of St Andrews, Conservator of the Rights and Privileges of the Scottish Church, 18th Jul. 1388;

[6] The appeal was taken against the collation by the Bishop of Murray, of John the Mason, to the Priory of Urquhart: 'Reverende in Christo pater ac domine mi Domine Alexander Dei gratia episcope Moraviensis . . . ego Willelmus de Busbi . . . prioratus de Urchard vestre diocesis monachus licet minimus . . . sentiens venerabilem patrem Dominum Adam de Hadyngton priorem ejusdem, me, et ejus conventum, ac etiam Abbatem et conventum de Dumferlyn ab hujusmodi collatione et

years afterwards it was enacted by Parliament, with the consent of the clergy, that during the schism which began in the Papal see towards the end of the fourteenth century, any one thinking himself unjustly excommunicated by his Bishop, should have right of appeal from the Bishop to the Conservator, and from the Conservator to the Provincial Council.[1] In the same century, where a question of the taxation of a

investitura pregravari, ad reverendum in Christo patrem ac dominum meum Dominum Walterum Dei gratia episcopum Sancti Andree, Privilegiorum et Jurium Ecclesie Scoticane Conservatorem, nomine predicti Prioris et conventus ejusdem, ac etiam aliorum omnium quorum interest, in hiis scriptis provoco et appello, . . . eo quod tempore collationis vestre prefato monacho facte, undecimo die mensis Julii anno Domini M°.CCC°.LXXX^mo.VIII^vo. de vacatione dicti prioratus lucide non constabat, nec adhuc constare poterit per documenta aliqua fidedigna. Lecta et publicata fuit hec mea appellatio in ecclesia cathedrali Moraviensi, anno Domini millesimo CCC°.LXXX^mo.VIII^vo. indictione XI. decima octava die mensis Julii,' etc. etc.

the Bishop of Morray's answer to the appeal from him to the Conservator, 16th Aug. 1388;

The Bishop's answer ran in these words: 'Alexander Dei gratia episcopus Moraviensis dilecto nobis in Christo religioso viro Fratri Willelmo de Busbi monacho salutem. Appellationi vestre cui hii nostri apostoli annectuntur ob reverentiam Domini nostri quem invocastis, si et in quantum modo forma titulo et jure quibus ad ipsum appellatis ad ipsum pertineat hujus cause appellationis cognitio deferimus reverenter, et hoc responsum nostrum loco apostolorum dimissoriorum vobis damus. Datum sub sigillo nostro autentico apud manerium nostrum de Spyni Moraviensis diocesis decima sexta die mensis Augusti Domini M°.CCC°.LXXX°.VIII°.'

the King's final judgment, by advice of the Clergy in Parliament, against the appellant, 12th Mar. 1391.

The appellant, William of Busbi, somehow obtained the Priory, with a Crown writ under the privy seal ordering the Bishop to maintain him in possession. But the King's final judgment ordered him to be removed: 'Robertus Dei gratia Rex Scotorum vicecomiti de Elgyn et ministris suis salutem. Quia sumus informati per clerum nostrum in isto Parliamento congregatum quod Frater Adam de Hadyngton de jure debet restitui ad prioratum suum de Wrchard in Morauia, et Frater Willelmus de Busby ab eo remoueri, venerabili patri Episcopo Morauiensi dedimus in mandatis quod ipse Dominum Fratrem Adam restituat et prefatum Willelmum amoueat ab eodem. Vnde vobis . . . precipimus et mandamus quatenus, quocunque mandato nostro vobis directo in contrarium non obstante, dictum Fratrem Adam restitutum in possessione pacifica dicti prioratus contra dictum Fratrem Willelmum et quoscunque alios clericos religiosos vel laicos auctoritate nostra Regia defendatis, et ipsum Fratrem Willelmum, si monitis Episcopi parere noluerit, vos per Episcopum requisiti in subsidium justicie parere compellatis . . . Datum in Parliamento nostro apud Sconam mensis Marcij die xii. anno regni nostri primo.'—(Reg. Episc. Morav. pp. 350-353. Act. Parl. Scot. vol. i. p. 216.)

[1] P. 268.

Had the Conservator Metropolitical Powers?

The Parliamentary enactment referred to in the text was cited by Thomas Innes to prove that the Conservator had nearly all the powers of a Metropolitan: 'Revera tamen jura fere omnia et privilegia Metropolitica collata fuerunt Episcopo Conservatori, et ab eo, durante sua administratione, exercita, praesertim quantum ad Concilia Provincialia. Constat etiam aliunde praecipuum illud jus Metropolitani, nimirum sententias, sive decreta Episcoporum suffraganeorum per appellationem ad eum delata, denuo discutiendi et reformandi Episcopo Conservatori in reliquos Scotiae Episcopos tributum fuisse; ut constat ex decreto trium regni Scotiae statuum in plenis comitiis, A.D. MCCCC. magni schismatis tempore edito.'—(De Synod. Vet. ap. Scot. in Wilk. Conc. Mag. Brit. et Hib. p. xxx.)

But, as Mr. Grub has remarked, Thomas Innes appears to be mistaken in supposing that the Conservator possessed Metropolitical powers: 'The single authority which he quotes in proof of this—an act of the estates of the kingdom in the Parliament held at Scone, on 21st February 1401—does not bear out the meaning he puts on it, and was, besides, only a temporary provision.'—(Eccl. Hist. Scot. vol. i. p. 310.)

monastery came before Parliament, the Conservator seems to be spoken of as if he were there in some sort the recognised representative or guardian of the interests of the church.[1]

Provincial Councils attended by two Doctors of the Civil Law on behalf of the King.

It is of more importance to know, what is not disclosed by the ecclesiastical record, that the State asserted its right to a seat and a voice in the councils of the Church. By a writ addressed to the Bishops and other prelates about to assemble in synod, the King commissioned two Doctors of the Civil Law to set forth and show to the Council what the King had enjoined them to declare touching himself, the state of his realm, and the state of the prelates and the Church of Scotland, and more especially to protest, and if need were to appeal, that nothing should be enacted by the prelates in synod which might prejudice the King's royal majesty.[2]

Writ of the Earl of Ross declaring the Abbey of Ferne to be exempt from all King's taxes. 5th Mar. 1355-6.

[1] 'Universis Christi fidelibus ad quos presentes litere peruenerint, Villelmus comes Rossie dominus da Sey, salutem quam peperit virtus Virginalis. Cum antecessorum teneamur imitari vestigia et eorum actus maxime in hiis que ad Dei cultum pertinere noscuntur firmitate solida roborare: Sciant cuncti monasterium Noue Ferine in nostro comitatu per antecessores nostros fundatum ea libertate esse munitum per fundatores eosdem, ut euidenter apparet per instrumenta abbati et eidem monasterio tradita et confecta per Alexandrum Regem Scocie, videlicet, quod ab omnibus exactionibus et contributionibus regiis liberatur, pro quibus dicti fundatores se et suos successores et heredes responsuros inperpetuum obligabant, et ad hoc faciendum nos eorum conuencione salubriter confirmata ac nostros successores fore in perpetuum obligatos, ita quod dictus abbas et dictum monasterium nulli in quacunque exactione vel contributione imposita nisi tantum clericature secundum taxacionem domus predicte per Ottobonum editam Sedis Apostolice in Scotia iudicem delegatum teneantur, et hoc etiam in Parliamento Scocia in presentia Conservatoris et cleri ac nostra et ceterorum procerum regni fuerat plenissime declaratum, Domino Rogero Dei gratia Episcopo Rossensi et Fratre Donaldo eadem gratia abbate dicti monasterii, pro dicto monasterio, ministris regiis exactionem consimilem exigentibus, respondentibus et probantibus, quod eis respondere nullatenus tenebantur sed tantummodo cum clero, per instrumenta monasterii sepedicta, cum dictum monasterium a nullo possessionem habeat spiritualem vel temporalem nisi tantum dotem sue ecclesie per nostros antecessores sepedictos collatam. Quare omnibus collectoribus et ministris ex parte Domini Regis denunciamus quod in terris possessionibus vel quibuscunque bonis dicti monasterii hominum husbandorum vel quocunque modo tenentium se nullatenus aliqualiter intromittant. Nostris vero ministris quocunque modo constitutis siue ex parte Regis siue nostra firmiter precipiendo mandamus ne in quibuscunque bonis mobilibus vel immobilibus hominibus husbandis tenentibus seruientibus dicti abbatis vel monasterii se intromittere presumant sub pena omnium que ergo nos possunt amittere. In cuius rei testimonium presentibus sigillum nostrum una cum sigillis reverendorum patrum Dominorum Johannis Dei gratia Episcopi Moraviensis et Allexandri gratia eadem Rossensis necnon Thome prelibata gratia Katanensis Episcopi, Hugonis et Johannis fratrum nostrorum est appensum. Datum apud Delgneny in Rossia quinto die mensis Marcii, anno Domini m° ccc° quinquagesimo quinto.'—(Original in the charter-room at Balnagowen.)

[2] P. 239. See above, pp. xli. xlii.

Legatine Council of London, A.D. 1237, attended by three commissioners on behalf of the English King.

The same use obtained in England. Thus we are told that at the great Council held by the Cardinal Legate Otho, in St. Paul's Cathedral at London in the year 1237, 'secundo autem die, Concilio jam incepto, missi sunt ex parte Domini Regis, Comes Lincolniensis Johannes, et

If Provincial Councils met yearly, few notices of their meetings have been preserved.

There are no means of ascertaining the measure of obedience given to the statute which enjoined the annual assembly of Provincial Councils. If they met yearly, it was at least rarely that their proceedings found their way into record, or attracted the notice of the chroniclers of the time. We know only that within little more than half a century after the Bull of Pope Honorius, they framed or adopted fifty or sixty canons,[1] which sufficed for the government of the Church of Scotland almost to the Reformation. It is not improbable that some of these canons may have been handed down from the Legatine Councils of the twelfth century;[2] it is certain that they were not all enacted at one time;[3] and equally

'Statuta Generalia Ecclesiae Scoticanae,' or Code of Canons of the Scottish Church, framed between A.D. 1237 and A.D. 1286.

Johannes filius Galfridi, et Willielmus de Racle, canonicus Sancti Pauli, ut dicto Legato ex parte Regis et regni inhiberent, ne ibi contra Regiam coronam et dignitatem aliquid statuere attentaret. Et remansit ibi, ut hoc observaretur, Willielmus de Racle, indutus capa canonicali et superpellicio, aliis recedentibus.'—(Matth. Paris. Hist. Angl. p. 378. Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 648, 649. Raynald. Ann. Eccles. ann. 1237. § XLII. vol. ii. p. 172.)

Ecclesiastical supremacy of the Crown asserted by King David I., A.D. 1147.

Even such a King as David I., the idol of a Church which all but canonised him, was careful to assert the supremacy of the Crown in ecclesiastical matters. Thus, his grant of privileges to the Austin Canons of Cambuskenneth, A.D. 1147, is made with the reservation, 'salua . . . iusticia Regali si prelatus aliquo impulsu a justicia exorbitauerit.'—(Act. Parl. Scot. vol. i. p. 47.)

Code of Canons of the Scottish Church contains statutes promulgated in the Legatine Council of London, A.D. 1237;

[1] Pp. 9-29: 'Statuta Generalia Ecclesie Scoticane,' or (as they are called in another MS.) 'Statuta Concilii Scoticani,' an. 1-55.

Their date, at least in the collected shape in which they have reached us, may be circumscribed within no very wide range.

They cannot have been gathered into their present form before A.D. 1237, for three of them (an. 16, 17, 18), and part of a fourth (n. 51), are transcribed from the Constitutions of the Cardinal Legate Otho, promulgated in the Council of London in that year. See below, pp. lviii. lix. 260, 267.

was formed before 1286;

They cannot be of more modern date than A.D. 1286, for they are found in the Ethy MS. in a hand not later than the reign of King Alexander III.—(Regist. Vet. de Aberbroth. p. xxxiii.)

may preserve vestiges of twelfth century statutes;

[2] 'There is reason to believe that amongst them are to be found the vestiges of a much more ancient ecclesiastical law, part of which may be traced up to the time of David I., the great legislator of Scotland, as well as the remodeller of its Church.'—(Mr. Cosmo Innes, in the Reg. Episc. Aberd. vol. i. p. lxxv.)

the statutes contained in it not all enacted at one time.

[3] See p. 11, stat. 6: 'Et quia presens statutum minus plene in multis locis inuenimus obseruatum, statuimus vt quilibet nostrum in sua dyocesi diligenter inquirat quo iure,' etc. etc.

See also pp. 20, 21, stat. 33; pp. 25, 26, stat. 50.

'It does not seem unsafe to conclude that this body of laws, like other codes, though perhaps sanctioned and re-enacted at one or more definite meetings of the enacting body, was in truth its collected legislation, springing up little by little, and receiving the stamp of usage or the authority of competent courts at intervals for several centuries; so that even if we could fix, more precisely than is perhaps now possible, the era and the Council when the collected statutes were first sanctioned as a code, it would only prove the introduction of the several laws to be not later than that time.'—(Mr. Cosmo Innes, in the Reg. Episc. Aberd. vol. i. pp. lxxv. lxxvi.

Code of Canons read at the opening of every Council

It would appear that one of the first acts of every Council was to read the code of Canons. See the 'Modus procedendi in Concilio cleri Scoticani,' p. 4: 'Finito sermone vocentur citati ad Concilium et absentes puniantur secundum statuta, quibus statutis ibidem perlectis in publico excommunicent Episcopi secundum statuta.' See also p. 77, no. 166: 'In quo Concilio post Missam et inuocationem Sancti Spiritus ac sermonem ad clerum, concorditer electus fuit in Conseruatorem Preuile-

certain that they borrowed largely from the general body of the Canon Law, and from statutes passed in English Councils of the same age.[1]

Provincial Council at Perth, 1st July 1238.

A Provincial Council appears to have been held at Perth, in the summer of 1238. All that is known of it is, that it was attended by four bishops, four abbots, an archdeacon, and a dean, and that judgment in a controversy between the Bishop of Dunblane and the Earl of Menteith was sealed in its presence[2]

Alleged refusal of King Alexander II. to suffer a Papal Legate to enter Scotland, A.D. 1237.

In the summer of 1237, the Cardinal Otho arrived at the English court as Legate from Pope Gregory the Ninth to England, Wales, and Ireland. In the autumn he accompanied the English King to a meeting with the King of Scots at York. It is said that he expressed a desire to visit Scotland, but that the Scottish King refused his consent, asserting that no Legate had ever crossed the Tweed either in his own time or in the time of any of his predecessors, and that his people were so wild, savage, and bloodthirsty, that the Legate's life would not be safe among them.[3] The story rests on the authority of a single English chronicler—

giorum reuerendus in Cristo pater Dominus Willelmus Dei gratia Dunblanensis Episcopus . . . perlectisque priuilegiis et statutis continuatoque Consilio, petiit prefatus Dominus Conseruator,' etc. etc.

In like manner the Code of Diocesan or Synodal Statutes of St. Andrews was read yearly in the Synod of that diocese. See App. to Pref. XXIII.

[1] 257-268.

[2] Liber Insule Missarum, pp. xxix.-xxxii. : 'Ut autem hec ordinatio nostra rata et inconcussa permaneat, huic scripto sigilla nostra, unacum sigillo dicti Episcopi Dunblanensis, apposuimus : his testibus existentibus in Concilio apud Perth, anno gratie millesimo ducentesimo tricesimo octavo, in Octabis Sancti Joannis Baptiste, scilicet G. episcopo Aberdonensi, de Aberbroth et de Scone et de Cambuskenneth et de Inchaffray Abbatibus, Magistro Petro de Ramsay, Magistro M. archidiacono Glasguensi, Magistro W. decano Glasguensi, et multis aliis.'

The bishops present were Glasgow, Dunkeld, Aberdeen, and Dunblane. The aged Bishop of St. Andrews—the energetic Norman, William Malvoisin—lay upon his deathbed.

Matthew Paris' story of King Alexander II. and the Cardinal Legate Otho A.D. 1237.

[3] A.D. 1237. 'Eodem quoque anno scripsit Rex [Angliae] omnibus magnatibus suis, ut coram eo et Domino Legato, in festo Exaltationis Sanctae Crucis, apud Eboracum convenirent, de arduis negotiis regnum contingentibus tractaturi. Venerat autem eis obviam Rex Scotiae, vocatus a Rege Angliae et Legato, apud Eboracum; ut ibi habita communi deliberatione, de pace reformanda inter eos, foeliciter componeretur; et Dei dante gratia, omnis his mota praevia ratione sedaretur, et de juste utrique debitis satisfieret. Ubi tandem cum pervenisset, sic elaboratum est, ut Rex Scotiae perciperet de regno Angliae trecentas libratas terrae sine castri constructione, homagiumque Regi Angliae faceret, et foedus inter eos amicitiae sanciretur: ut hoc se fideliter facturum Regi Angliae, et conservaturum juraret: et sic omnis querela et vendicatio ex parte Regis Scotiae, conquiesceret. Volenti autem Domino Legato intrare regnum Scotiae, ut ibi de negotiis ecclesiasticis tractaret sicut in Anglia, respondit Rex Scotiae: *Non me*

a monk of St. Alban's, possessed by a passionate dislike of the Papal court.[1] It has no support in Scottish annals or records, and is not to be credited. It is impossible to believe that King Alexander the Second, who in his own reign had seen a Legate hold a Council at Perth for four days,[2] could affirm that no Legate had ever entered his kingdom, even if we could suppose it possible that he had never heard of the Legates who visited Scotland in the reigns of his father King William,[3] of his uncle King Malcolm,[4] and of their grandfather King David.[5]

The Cardinal Legate Otho visits Scotland, A.D. 1239.

Two years afterwards, the English annalist relates, the Legate journeyed northwards to the Scottish border, where he was met by the King of Scots, who still withstood his entrance, affirming that no Legate had ever yet set foot on Scottish ground. By the mediation of some English

memini Legatum in terra mea vidisse, nec opus esse aliquem esse vocandum, Deo gratias, nec adhuc opus est, omnia bene se habent. Nec etiam tempore patris mei, vel alicujus antecessorum meorum, visus est aliquis Legatus introitum habuisse, nec ego, dum mei compos fuero, tolerabo. Veruntamen, quia fama te sanctum virum praedicat, moneo te ut si forte terram meam ingrediaris, caute progrediaris, ne quid sinistri tibi contingat. Indomiti enim et sylvestres homines ibi habitant, humanum sanguinem sitientes, quos nec ego ipse valeo edomare; qui etiam si in vos irruant, nequeo eos cohibere. Me etiam nuper, ut forte audistis, voluerunt invadere, et a regno expellere exhaeredatum. Quibus auditis, Legatus avidam voluntatem intrandi Scotiam temperavit, et latera Regis sui, scilicet Angliae, sibi per omnia obedientis, non reliquit. Remansit autem cum Rege Scotiae quidam Italicus Legati consanguineus, quem Rex cingulo militari, terram etiam conferendo, ac penitus rebellis videretur, nobilitavit. Et sic soluto concilio, Rex Angliae cum Legato suo versus australia remeavit.'—(Matth. Paris. Hist. Angl. p. 377.)

Peace between England and Scotland negotiated by the Cardinal Legate Otho, A.D. 1237.

The restoration of peace between England and Scotland was one of the chief objects of the Legate's mission, and for that purpose he was charged with letters from the Pope to the Kings of both realms.—(Theiner, Vet. Mon. Hib. et Scot. p. 34.)

The treaty which he concluded—'Scriptum cirographatum inter Henricum Regem Anglie et Alexandrum Regem Scocie de comitatu Northumbrie Cumbrie et Westmerland factum coram Ottone Legato'—was among the public records of Scotland carried to Berwick in the year 1291. Another paper concerning the same controversy—'Littera arbiterii Ottonis Legati inter Reges Anglie et Scocie super arreragiis de ducentis libratis terre'—was in the Treasury at Edinburgh in the year 1282.—(Act. Parl. Scot. vol. i. app. to pref. pp. 2, 6.)

Matthew Paris' animosity against the Papal Court.

[1] 'Illud vero est admirandum,' said Archbishop Parker, the first editor of the work, 'quod in hoc opere ausus sit tam saepe, tam manifeste, tam vehementer et intrepide notare et simul detestari arrogantem superbiam, insatiabilem divitiarum cupiditatem, tyrannidem, et injustum imperium Romani Pontificis, quod in omnes hujus celeberrimi regni, principes, nobiles, plebeios, exercuit . . . Pro styli ac orationis suae nimia (ut putabatur) severitate (in primis contra Papam, et illius sedis usurpatum et tyrannicum imperium), a Romanensibus non satis pro dignitate probatus erat, sed illum malitiose calumniabantur, in suspicionem, vel potius in odium adduxerunt, neque volebant permittere hanc historiam per ora et manus hominum volitare, et libere pervulgari.'—(Matth. Paris. Hist. Angl. edit. 1684, 'prioris editionis anni 1571. praefatio ad lectorem:' cf. 'De Matthaeo Parisiensi insigniora tam e Protestantium tum e Pontificiorum scriptis testimonia.')

[2] See above, pp. xlii. xliii. xliv. xlv.

[3] See above, pp. xxxvi.-xlii.

[4] See above, pp. xxix. xxx.

[5] See above. pp. xxvi.-xxviii.

and Scottish nobles, it is added, the King was persuaded to withdraw his opposition, on condition that the Legate should sign a writ declaring that his admission into Scotland was not to be regarded as a precedent. All obstacles being thus removed, he crossed the Tweed, and summoning the Scottish prelates before him, settled ecclesiastical matters according to his pleasure, until having amassed no small amount of wealth, he took his departure from Scotland suddenly and secretly, carrying the promised declaration away with him, without asking leave of the King, and without venturing to cross the Forth.[1]

Legatine Council at Holyrood, 19th Oct. 1239.

Such is the tale of the English chronicler. All that appears from other sources is, that three months after the Legate had been commissioned to England, he received a special commission to Scotland;[2] that in the

Matthew Paris' account of the Cardinal Legate Otho in Scotland, A.D. 1239.

[1] A.D. 1239. 'Eisdem diebus Legatus in Scotiam intrare festinavit; dispositisque rebus necessariis, et ducibus Anglicis, qui viarum ei forte pararentur insidias explorarent, iter arripuit; hospitia sumptuosa eligens in abbatiis et ecclesiis cathedralibus. Et antequam regnum Scotiae intrasset, occurrit ei Rex Scotiae, non acceptans ingressum suum. Dixit enim, quod nunquam aliquis Legatus, excepto illo solo, in Scotiam intravit. Non enim, ut asseruit, opus erat: Christianitas ibi floruit, ecclesia prospere se habebat. Et cum sermones multiplicarentur, et Rex fere ad contradicendum erigeretur, confectum est scriptum, intercedentibus utriusque regni magnatibus inter eos, cujus tenor fuit, ut nunquam ratione illius adventus, talis consuetudo in consequentiam verteretur: insuper in recessu suo, scriptum illud signaret. Et hoc procuratum est, ne confusus in Angliam quasi repulsus reverteretur. Veruntamen mare [sc. Scoticum] non transiit, sed in bonis civitatibus commorans cismarinis, vocavit Episcopos et nobiles terrae beneficiatos, et de rebus ecclesiasticis ibidem pro libitu ordinavit, pecuniam non minimam colligendo, Rege vero in interioribus terrae commorante, Legatus sine Regis licentia clam et subito recedens, praedictum scriptum asportavit.'—(Matth. Paris. Hist. Angl. p. 422.)

[2] Raynald. Ann. Eccl. A.D. 1237. §§ XXXVIII. XL. t. ii. pp. 170, 171. Theiner, Vet. Mon. Hib. et Scot. pp. 33-35.

He was commissioned as Legate to England, Wales, and Ireland, on the 12th February, to Scotland on the 7th and 10th May 1237.

Letter of Pope Gregory IX. appointing the Cardinal Otho to be Legate in Scotland, 7th May 1237.

By a letter to the Legate himself the Pope conferred upon him the usual powers: 'Tibi in regno [Scotie] plenum Legationis officium duximus committendum, libera tibi potestate concessa, ut evellas et destruas, dissipes et disperdas, edifices et plantes, quecumque noveris expedire: Quocirca mandamus, quatinus . . . in eiusdem ecclesiis errata corrigas, et deformata reformes, recta regens et dirigens indirecta, Legationem pro Christo susceptam sic studeas iuxta datam tibi a Domino gratiam laudabiliter exercere, quod exinde tibi acquiras premium apud Dominum, et de tuis operibus divina potentia glorietur. Datum Viterbii, Nonis Maii, pontificatus nostri anno undecimo.'—(Theiner, Vet. Mon. Hib. et Scot. pp. 34, 35.)

By another letter, three days afterwards, the Pope commended the Legate to the especial favour of the King of the Scots:

Letter of Pope Gregory IX. commending the Cardinal Legate Otho to King Alexander II. 10th May 1237.

'Gregorius Episcopus servus servorum Dei, carissimo in Christo filio nostro illustri Regi Scotie, salutem et apostolicam benedictionem . . . dilectum filium nostrum O. Sancti Nicolai in carcere Tulliano diaconum Cardinalem, virum experte providentie et magna morum preditum honestate, Legatum ex nostro Latere in Angliam duximus destinandum. Verum postquam recessit a nobis, nos consultius attendentes, quod cum circa regnum Scotie eo maiorem curam gerere teneamur, quo fortius ecclesia Scoticana Romanam ecclesiam

following year he was empowered to release certain knights and others, subjects of the Scottish King, from their vows to join the Crusade;[1] that he crossed the Tweed towards the end of September 1239; that, about a month afterwards, he held a Council at Holyrood; that in the beginning of November he left Scotland,[2] pausing on the banks of the Liddel to write a letter to the Bishops of Scotland on behalf of the monks of Kelso;[3] and that some of the Constitutions which he promulgated in a Council of the English clergy at London were received into the Code of Canons of the Scottish Church.[4]

solam matrem et Metropolitanam nullo medio recognoscit, indignum existeret, nisi que nos singularem patrem in spiritualibus obtinet, specialem a nobis reciperet consolationis affectum, eidem Cardinali in dicto regno Scotie Legationis officiam motu proprio duximus committendum, quia relinquere conscientia salva nequivimus, quin eidem Scoticane ecclesie per dictum Legatum Apostolice visitationis solatium mitteremus, ne a nobis affectione materna spoliari se crederet, si nobis ecclesiam visitantibus Anglicanam, Regnum Scotie sic in vicino positum expers visitationis Apostolice remaneret. Celsitudinem igitur tuam, quam inter ceteros principes Christianos specialis prerogativa dilectionis amplectimur, rogandam duximus attente et hortandam, quatinus eundem Legatum ob reverentiam Ihesu Christi, Apostolice Sedis et nostram plena mentis ilaritate suscipiens, ipsum vel potius nos in eo, per quem illa speramus fieri, quibus grandis honor et utilitas tibi et regno tuo valeat procurari, sic studeas honorare, quod exinde merito tibi Deum propitium, nosque tuis constituas utilitatibus debitores. Datum Viterbii, VI. Idus Maii, pontificatus nostri anno undecimo.'—(Theiner, Vet. Mon. Hib. et Scot. p. 35. Raynald. Ann. Eccles. A.D. 1237. § XL. t. ii. p. 171.)

[1] Theiner, Mon. Vet. Hib. et Scot. p. 38: cf. pp. 49, 52, 53.

Council held by the Cardinal Legate Otho in the church of Holyrood at Edinburgh, 19th Oct. 1239.

[2] A.D. 1239. 'Intravit Ottho diaconus Cardinalis, ad titulum Sancti Nicholay in carcere Tulliano, et Apostolice Sedis Legatus, Scotiam, circa festum Sancti Mathaei Apostoli et Ewangeliste; et in vigilia Sancti Dionisii apud Melros coram eo [Dompnus] Herbertus iterum in Abbatem de Calcou eligitur. . . . Celebravit idem Hotho Concilium suum apud Edinbarc, in crastino Sancti Luce Ewangeliste: et post sollempnitatem Omnium Sanctorum a Scotia discessit.'—(Chron. de Mailr. p. 150.) Cf. J. de Ford. Scotichron. lib. ix. cap. 54.

'Eo tempore Legatus Angliae, Magister Otho, intravit in Scotiam, celebratoque Concilio in ecclesia Sanctae Crucis de Edenburgh, citra festum Sancti Martini remeavit in Angliam. Hic, ob reverentiam dulcis nominis Jesu, decem dies dedit indulgentiae, cuicunque ad Missam Beatae Virginis, audito in praefatione *Jesum Christum Dominum nostrum*, devote caput inclinaverit.'—(Chron. de Lanerc. p. 48.)

Letter of the Cardinal Legate Otho to the Scottish Bishops, in favour of the Abbey of Kelso, 2d Nov. 1239.

[3] 'Venerabilibus in Christo patribus Dei gratia Episcopis per regnum Scocie constitutis, Otto miseracione diuina Sancti Nicholai in Carcere Tulliano diaconus Cardinalis Apostolice Sedis Legatus, salutem in Domino. Cum Monasterium de Kalchou quod immediate Apostolice Sedi subest speciali diligamus in Domino caritate, ac ipsius negocia Ecclesie Romane propria reputemus, paternitatem vestram duximus affectuose rogandam, quatenus Abbatem et Conuentum ipsius habentes in omnibus que poteritis commendatos, ab eorum ecclesiis procuraciones indebitas uel immoderatas nullatenus exigatis, nullas ab eis procuraciones nisi cum uisitatis ecclesias supradictas cum propter hoc vobis sint debite, et non aliter aliquatenus extorquendo, preces nostras sic efficaciter admissuri quod idem eas sibi sentiant fructuosas nosque inde vobis ad speciales gracias obligemur, et prefati Abbas et Conuentus super hoc apud Dominum Papam uel nos proponere querimoniam non cogantur, quinimo se possint de vobis plurimum commendare. Datum apud Lidel, ij. Nouembris, pontificatus Domini Gregorii Pape Noni anno xiij°.'—(Lib. de Calchou, vol. ii. pp. 338, 339.)

Legatine Constitutions of the

[4] Pp. 14, 15, 26, 62, 260, 267, 279; statutes 16, 17, 18, 51, 134: 'De confessoribus constitu-

Provincial Council at Perth, A.D. 1242.

In the year 1242 a Provincial Council was held at Perth, for redress of the grievances, of which the clergy complained, at the hands of the knights and nobles in withholding tithes, and violating the immunities of the church. The King, accompanied by his earls and barons, entered the Council, and under severe penalties forbade every one of whatever degree, knight or baron, in any way to infringe the liberty of the church, or to wrong or trouble churchmen in their persons or their rents. The royal injunction is said to have secured the prosperity of the church during the remaining years of the King's reign.[1] A statute which seems to have been passed by the Council is still preserved.[2]

Bull of Pope Innocent IV., enlarging the privileges granted to the Scottish Church by Pope Clement III., A.D. 1245.

The bull of Pope Clement the Third, which declared the independence of the Scottish Church, provided that no questions arising in Scotland touching Scottish interests should be brought to trial before judges forth of Scotland, unless on appeal to Rome.[3] The exception was regarded as a grievance; and, in the year 1245, on the petition of the King of Scots, Pope Innocent the Fourth issued a bull, that neither causes arising in Scotland, nor the examination of witnesses in such causes, should be heard out of Scotland, unless by order of the Apostolic See, in which case the cause should be heard in the cities or dioceses of Carlisle and Durham, but in no event in the city or diocese of York.[4]

Cardinal Otho, A.D. 1237, adopted as Scottish Canons.

endis,' 'De locato et conducto,' 'De cohabitatione clericorum et mulierum,' 'Qui excommunicati sunt quater in anno,' 'De residentia et ordinatione vicariorum.'

Provincial Council at Perth, for repelling the encroachments of the knights and barons, A.D. 1242.

[1] A.D. 1242. 'His etenim diebus, omnes Episcopi Scotiae tenuerunt Concilium cleri apud Perth; ubi Rex interfuit, cum omnibus comitibus et baronibus totius terrae suae, vocatis ad instantiam cleri conquerentis de militaribus infestantibus eum de decimis et immunitatibus ecclesiae. Intravit autem Dominus Rex Concilium Episcoporum, et praecepit ne quis, quacunque praeeminentia fulgeret, miles aut baro, aliquam injuriam, molestiam, aut gravamen contra Sacrosanctae Ecclesiae consuetudinem et libertatem, ecclesiasticis vel eorum redditibus, inferret, statutis poenis ultricibus in transgressores sine misericordia jaculatis: unde reliquis diebus suis Ecclesia talem defensorem laetata est invenisse, et in maxima prosperitate prosperatur. Secedente Rege cum suis baronibus de domo cleri in illo Concilio seorsum apud se conquesti sunt omnes comites de combustione Comitis Atholiae.'—(J. de Ford. Scotichron. lib. ix. cap. 59.)

[2] Pp. 49, 50, 276; statute 104.

[3] See above, p. xxxix.

Bull of Pope Innocent IV., that in no case should Scottish causes be heard in the diocese of York, 11th Sept. 1245

[4] 'Innocentius Episcopus seruus seruorum Dei, vniuersis Episcopis ac aliis ecclesiarum Prelatis per regnum Scocie constitutis, salutem et Apostolicam benedictionem. Cum karissimum in Christo filium nostrum Regem Scocie illustrem, quem scimus esse deuotum ecclesie inter alios orbis Reges et Principes speciali prerogatiua fauoris et gracie prosequamur, votis eius libenter annuimus et Celsitudini Sue in hiis que digne deposcit nos fauorabiles exhibemus. Cum igitur, sicut ex parte ipsius fuit pro-

Bull of Pope Innocent IV., that the reception of one who was not a Legate specially deputed by the Apostolic See from its own body, should not prejudice the rights of the Scottish Church, 14th Mar. 1248.

Two years afterwards, the same Pope, when struggling with the Emperor Frederick the Second, imposed a tax upon all church benefices held by Italians beyond the Alps.[1] Its collection in Scotland was committed to a Franciscan friar. The Scottish King gave him every assistance; but, jealous of the honour of his realm and the independence of its church, Alexander asked and received from the Pontiff an assurance that the reception of one who was not a Legate specially deputed by the Apostolic See from its own body, should not in any way prejudice the immunities conceded to King William the Lion by Pope Clement the Third.[2]

positum coram nobis, nonnulle occasione electionum celebratarum in ecclesiis regni sui frequenter controuersie oriantur, quas et etiam examinaciones electionum ipsarum interdum extra idem regnum contingit a Sede Apostolica delegari: Quia ex hoc graue predicto Regi et regno suo ac vobis etiam preiudicium generatur, nobis humiliter supplicauit vt prouidere super hoc sue ac ipsius regni et vestre indempnitati paterna sollicitudine curaremus. Ipsius itaque Regis supplicationibus benignum impertientes assensum, eidem Regi et vobis auctoritate presencium indulgemus vt eedem cause uel alie si quas in eodem regno oriri contigerit, aut etiam examinaciones predicte, extra idem regnum, auctoritate Sedis Apostolice uel Legatorum ipsius committi non ualeant. Quas si forsan ab eadem Sede extra idem regnum ex legittima causa committi contingeret in ciuitate ac diocesi Eboracensi minime committantur, sed committantur dumtaxat in Karleolensi uel Dunelmensi ciuitatibus ac diocesibus que vestris partibus sunt vicine. Nulli ergo . . . Si quis autem . . . Datum Lugduni, iij. Idus Septembris, pontificatus nostri anno tercio.'—(Reg. Episc. Glasg. vol. i. p. 155. Foedera, vol. i. p. 263.)

The Bull was among the Records of Scotland in the Treasury at Edinburgh in the year 1282. It seems to have been taken to England by King Edward I. It was long in the English Treasury, and is now in the Public Record Office at London. —(Act. Parl. Scot. vol. i. app. to pref. p. 1.)

Italians beneficed in Scotland.

[1] Theiner, Mon. Vet. Hib. et Scot. pp. 47, 48.

It appears that the church of Kennoway in Fife was held by a partisan of the Emperor, 'Petrus, natus nobilis viri Georgii Comitis de Cabaliaca.'—(Id. p. 81.)

In a later age, we find a Frescobaldi, beneficed on the shores of the Enzie, enriching the cathedral of Aberdeen with a cope of cloth of gold embroidered with the arms of Florence.—(Reg. Episc. Aberd. vol. ii. p. 194.)

The satire of Dunbar has preserved the memory of an Italian abbot of Tungland, in Galloway; and an Italian monk of Kinloss, in Murray, is still remembered by his history of the abbey and other works.

[2] 'Innocentius Episcopus seruus seruorum Dei, carissimo in Christo filio illustri Regi Scotie, salutem et Apostolicam benedictionem . . . Sane fuit ex parte tua propositum coram nobis, quod Frater Johannes de Ordine Minorum, cui subsidium pro Romana ecclesia in partibus Anglie Scotie et Ibernie commisimus colligendum, Fratrem Willelmum de Basinghes eiusdem ordinis in regnum tuum, ut ibi huiusmodi colligeret subsidium, destinavit, tuque dictum Fratrem Willelmum, prefate ecclesie necessitatibus affectione compatiens filiali, non solum libenter et ylariter admisisti, uerum etiam ad colligendum nominatum subsidium prestitisti eidem consilium auxilium et fauorem. Vnde nobis humiliter supplicasti, ut cum clare memorie Willelmo Regi Scotie patri tuo, et dicto regno, fuerit ab Apostolica Sede indultum, ut nullus in ipso regno possit Legationis officium exercere nisi de latere Romani Pontificis illuc specialiter et per speciales litteras destinetur, prouidere super hoc tibi et ipsi regno paterna diligentia curaremus. Nos igitur Celsitudini Regie gratiarum actiones multimodas exoluentes, ac nolentes quod ex huiusmodi predicti Fratris Willelmi admissione aliquod sentias detrimentum, tuis supplicationibus inclinati, ut per admissionem eandem nullum super indultis tibi et regno ipsi a Sede prefata preiudi-

Troubles of the Church during the minority of King Alexander III., A.D. 1249-62.

The encroachments of the laity on the privileges and possessions of the church, checked for a time by the admonition of King Alexander the Second in the Provincial Council at Perth, in the year 1242, were renewed during the minority of his successor. It was in vain that a Parliament at Edinburgh, in the year 1250, decreed that the church should continue in the peaceful possession of all the rights and immunities which it enjoyed in the time of the late King. The decree was not committed to writing, and the Bishops in a remonstrance to their young Sovereign complained that now and unheard of usurpations of church property were sanctioned by his counsellors.[1] Still more earnest complaints were addressed to Rome, and the Pope commissioned the famous Robert Grosteste and two other English bishops to redress the grievances enumerated in a long and instructive rescript.[2] Some of these grievances, it would seem, the Scottish Prelates endeavoured to redress at their own hands by provisions and penalties in the code of Canons of the Scottish Church.[3]

Unwritten Act of Parliament, A.D. 1250.

Rescript of Pope Innocent IV., empowering the Bishops of Lincoln, of Worcester, and of Lichfield, to redress the grievances of the Scottish Church, 31st May 1251.

The Cardinal Othobon made Legate of England, with Legatine authority in Scotland, 4th May 1265.

In the spring of 1265 the Cardinal Othobon of Fieschi was despatched from Rome with a commission, which by an unusual form appointed him Legate of the Apostolic See in England, but gave him Legatine authority also in Scotland, in Wales, and in Ireland,[4] with

ciam generetur, auctoritate presentium indulgemus. Nulli ergo . . . Siquis autem . . . Datum Lugduni, II. Idus Martij, pontificatus nostri anno quinto.'—(Original in the Register House at Edinburgh.)

[1] Pp. 241, 242.

Supposed Provincial Council at Edinburgh, A.D. 1250.

The remonstrance runs in the name of seven bishops—St. Andrews, Glasgow, Aberdeen, Dunblane, Brechin, Ross, Caithness. Mr. Grub has pointed out the mistake of Chalmers (Caledonia, vol. i. p. 686) in supposing that the 'Concilium' of which it speaks was an ecclesiastical synod: 'it was evidently a meeting of the estates of the kingdom.'—(Eccl. Hist. Scot. vol. i. p. 328.) Cf. Act. Parl. Scot. pref. p. 60; p. 83.**

[2] Pp. 242-246: 'Mandatum Innocentii Pape de gravaminibus ecclesie Scoticane emendandis.'

Bull of Pope Innocent IV. forbidding the Scottish Prelates to molest the rights and liberties of the King, A.D. 1243-54.

On the other hand, there was among the Records of Scotland in the Treasury at Edinburgh, in the year 1282, a Bull of the same Pope, forbidding the Scottish Prelates to encroach on the rights and liberties of the King: 'Bulla Innocentii Quarti ne prelati perturbent libertates et iura Domini Regis.'—(Act. Parl. Scot. app. to pref. p. 1.)

[3] Pp. 20, 23, 24, 25, 29, 264-268; statutes 33, 41, 47, 50, 55.

Letter of Pope Clement IV. appointing the Cardinal Othobon to be Legate of England, with Legatine powers in Scotland, 4th May 1265.

[4] 'Licet . . . nos et fratres nostri tua presentia utpote nobis et ecclesie Romane necessaria, careamus inviti, tamen cogente nos tam ingenti et inevitabili necessitate Regni predicti [sc. Anglie], et paterno affectu, quem ad idem Regnum, Regem, Reginam, natos ipsorum, prelatos, barones, magnates, et incolas predictos gerimus, impellente, te, de cuius claris meritis plenam in Domino fiduciam obtinemus, ad Regnum predictum, plene Legationis officio tibi commisso inibi, ac in regno Scotie [ac in] Wallia et Ybernia, ut evellas et destruas, dissipes et disperdas, edifices et plantes, sicut videris expedire, de predictorum fratrum

power to levy a subsidy of a tenth part of all the ecclesiastical revenues within his jurisdiction.[1] His first demand of the Scottish bishops was for four merks from every parish church, six merks from every cathedral church. The demand was resisted, as well by the King as by the church, and an appeal to Rome was supported by a contribution of two thousand merks from the clergy.[2] The question was ultimately compromised; but no sooner was this cause of difference removed than another arose.

The Cardinal Othobon, Legate of England, asks leave to visit Scotland, but is refused.

An Italian presented himself in the Scottish court to demand the King's license for the Legate to visit Scotland. Alexander took counsel with the clergy, and on examining the Legate's commission, at once refused the request.[3] The ground of refusal is not recorded; but it was, no

consilio, tanquam pacis angelum destinamus.'—(Theiner, Mon. Vet. Hib. et Scot. pp. 96-98.)

[1] Theiner, Mon. Vet. Hib. et Scot. p. 98.

Demands of the Cardinal Legate Othobon resisted by the Scottish King and Clergy, A.D. 1266;

[2] A.D. 1266. 'Ottobonus interea Romanae Sedis Legatus, ad pacem inter Regem et barones [Angliae] reformandam in Angliam veniens, Londoniis residentiam fecit. Qui frustra se laborare perpendens, Episcopis Scotiae scripsit, ut de singulis ecclesiis parochialibus quatuor marcas, de ecclesiis quoque cathedralibus sex marcas, nomine procurationis suae, sibi destinarent. Quod Rex de consilio cleri omnino fieri prohibuit. Insuper pro expensis ad hoc fiendis accepta a clero pecunia duorum millium marcarum, ad Sedem Apostolicam appellavit.'—(J. de Ford. Scotichron. lib. x. cap. 21.)

but compromised, A.D. 1267.

[3] 'Anno Domini MCCLXVII. . . . pacavit clerus Scotiae Ottobono Legato in Anglia commoranti, de qualibet marca sex denarios, et Huberto Cardinali de qualibet marca quinque denarios, non obstante appellatione, de consensu Regis, et expensis sibi propterea praesolutis. Nam quamdiu Rex cum suo clero unanimes persteterunt, sua jura viriliter defensarunt. Sed, Rege commoto contra clerum, inconsulte satis per iniquos consiliarios, remissius se in facto ecclesiae habuerunt: quod levi causa nullatenus Rege fovenda, subito nimis emerserat. Rex autem in se firmiter quadratus, et in cunctis agendis satis strenuus et consultus, instinctu tamen suorum curialium contra ecclesiam et clerum coepit rebellare, contra morem solitum, fovens excessus militum. Nam venerabilem virum, sibi olim intimum, de Sancto Andrea episcopum Gamelinum, per mobilia et manerias suas saisando sive recognoscendo, voluit omnino de facto compellere ut Johannem de Dunmore militem, pro offensis manifestis Priori et conventui de Sancto Andrea injuste illatis excommunicatum, nulla satisfactione praeambula, absolveret. Episcopus vero ipsum ad instantiam Regis nequaquam absolvere curavit; sciens quod venia non datur nisi correcto, quinimmo ut bonus judex sententiam in ipsum Dominum Johannem confirmavit; et omnes alios qui ad illam compulsionem consilium dederunt, exceptis duntaxat personis Domini Regis, Reginae, et eorundem liberorum, tam per episcopatum suum, quam per alios episcopatus, fecit constanter excommunicatos denunciari: ab ipsa denunciatione non cessando, donec miles, rubore suffusus, humiliter veniam petiit, et, ad instantiam Regis absolutus, quod forisfecerat plenarie satisfecit. Rex itaque et clerus concors effectus, cautius se de cetero opponentibus restiterunt, sicut in sequentibus patefiet. Nam cito post haec venit quidam Romanus ex parte Legati, petens licentiam a Domino Rege Scotiae, ut ipse Legatus Romanus posset fines Scotiae intrare et visitare. Rex cum clero consultus, visa commissione Legati, hoc omnino fieri denegavit. Interim obiit Albinus episcopus Brechinensis; loco cujus electus fuit Willelmus ipsius ecclesiae decanus, vir per omnia laudabilis, sed raucae vocis; qui gratiam Legati, si qua in eo superfuerat, Angliam adiit, de consecratione petiturus: ubi nihil proficiens, sed quasi cum indignatione electum ab eo rejiciens, curiam Romanam indilate adivit, et de confirmatione ac consecra-

doubt, the infringement of the concession of Pope Clement the Third, that no one should exercise the office of Legate in Scotland who was not specially deputed for that end by the Apostolic See.[1]

Legatine Council at London attended by representatives of the Scottish Church, 8th Apr. 1269.

Cardinal Othobon made no attempt to enter Scotland, but summoned all the Scottish bishops, with two abbots or two priors as representatives of the clergy, to attend his Council wherever it might be held. It met at London, and was attended by four delegates from the Scottish Church—two Bishops commissioned by the Episcopal order, an Abbot and a Prior commissioned by the regular clergy. The Legate, asserting his jurisdiction as well over Scotland, Ireland, and Wales, as over England, promulgated fifty-three Constitutions, which the Scottish clergy, it is said, utterly rejected.[2]

tione faciliter se expedivit.'—(J. de Ford. Scotichron. lib. x. cap. 22.)

[1] See above, p. xxxix.

[2] 'Anno sequenti [sc. A.D. 1268] citati sunt per Ottobonum Legatum omnes Episcopi Scotiae, ut ad quindenam post Pascha coram eo, ubicunque foret, comparerent, ad suum Concilium celebrandum. Similiter mandavit clero Scotiae, ut vel Abbates duo, vel duo Priores pro toto clero Scotiae mitterentur. Attamen Episcopi, communi consilio, pro se destinaverunt Richardum et Robertum Dunkeldensem et Dumblanensem episcopos, ne quid, ipsis absentibus, in eorum praejudicium statueretur. Clerus vero reliquus pro se misit Abbatem de Dunfermelyn et Priorem de Londoris. Legatus quoque nova statuta quaedam, tam de secularibus quam de religiosis personis, Scotorum praecipue, constituit; quae penitus clerus Scotiae observare recusarunt. Legatus tandem, pace qualicunque in Anglia inter magnates reformata, crumena plena repatriavit, circa S. Johannem. . . . Magna dissentio orta est inter Comitem de Mar et Episcopum Moraviensem, ob multas injurias ecclesiae Moraviensi illatas per ipsum Comitem. Unde ipse Comes a Legato excommunicatus est.'—(J. de Ford. Scotichron. lib. x. capp. 24, 25.)

Cf. Will. Rishanger Chronica, p. 58: 'Ottobonus Legatus apud Sanctum Paulum Londoniis magnum Consilium celebravit, praesentibus universis praelatis Angliae, Walliae, Scotiae, et Hiberniae.'

How far were the Constitutions of the Cardinal Legate Othobon, promulgated in the Council of London, received in Scotland?

The 'Constitutiones Domini Othoboni Legati promulgatae in Concilio Generali Londonensi [in Quindena Paschae quae ipso anno contigit VI. Id. Aprilis]' A.D. 1269, are in Wilk. Conc. Mag. Brit. et Hib. vol. ii. pp. 1-19. The preamble runs: 'Nos igitur ad regnum Angliae inclytum . . . nec non ad regnum Scotiae, Hiberniae et Walliae partes de gremio Sanctae Matris Ecclesiae, commisso nobis in ipsis plenae Legationis officio, destinati,' etc. etc.

The eighteenth Constitution 'De Procuracionibus' was transcribed into the ancient Register of Dunfermline, p. 202. The abbot of that monastery, it may be remembered, was present at the Legate's Council at London.

The twelfth Constitution is appealed to in a letter from the Prior of Durham to the Bishop of St. Andrews, in the year 1442: 'Nuper quidam iniquitatis filii, Deum prae oculis non habentes, de familia et complicibus ut dicitur David Home militis, cellam nostram de Coldingham ausu temerario et sacrilego more guerrino intraverunt, et per non modicum tempus tenuerunt; bonaque ipsius pro libito voluntatis suae consumpserunt et devastaverunt: dictusque David Home miles Priori ejusdem verbis minacibus exprobravit, et nisi fugae consuluisset mortem infallibiliter ut speratur intulisset; in contemptum clericalis religionis et ordinis ac contra Constitucionem Domini Octoboni olim Sedis Apostolicae in Anglia et Scocia Legati, quae incipit *Ad Tutelam* in qua cavetur quod si qui bona ad personas ecclesiasticas vel ad ipsas ecclesias pertinencia, abduxerint vel subtraxerint, possessionesve domos maneria sive grangias eorum,

Provincial Council at Perth, A.D. 1268.

In the previous year a Provincial Council seems to have been held at Perth. All that is known of its proceedings is that it excommunicated the Abbot of Melrose and great part of his convent for violating the venerable sanctuary of Stow in Wedale, by breaking into the houses of the Bishop of St. Andrews, slaying a clerk, and wounding many others.[1]

Provincial Council at Perth, A.D. 1273.

A Provincial Council met at Perth in the year 1273. An encyclical letter was read from the Pope, summoning the Bishops of Scotland to the General Council which was to assemble at Lyons in the following spring. The Provincial Council availing itself of the permission granted in the

praeter et contra voluntatem custodum eorum, violenter intraverint consumpserint vel occupaverint, sententia excommunicacionis ipso facto sint innodati; Vestram Dominacionem reverendissimam humiliter requiro et rogo, quatenus dictos malefactores, sic, ut praemittitur, sacrilegium committentes, in dictam sententiam excommunicacionis incidisse nunciari faciatis; donec beneficium absolucionis a vobis seu commissariis vestris in hac parte per satisfactionem condignam meruerint optinere.'—(Priory of Coldingham, pp. 139, 140. Surtees Soc. 1841.)

Abbot and Monks of Melrose excommunicated in a Council at Perth, for housebreaking, slaughter, etc., within the girth of Wedale, A.D. 1268.

[1] A.D. 1268. 'Abbas de Melros et magna pars conventus sui in Concilio apud Perth celebrato solenniter excommunicatus est, eo quod pacem de Wedal infregerunt, et domos Episcopi Sancti Andreae violenter invadentes, quendam clericum interfecerunt, et alios plures vulneratos reliquerunt.'—(J. de Ford. Scotichron. lib. x. cap. 25.) The outrage probably sprung from the controversy of long standing as to marches and pasturage between the monks of Melrose and the men of Wedale.—(Lib. de Melr. vol. i. pp. 100-103. Chron. de Mailr. p. 93.)

Relics at Wedale: remains of an image of the Virgin believed to have been brought from Jerusalem by King Arthur.

It was believed in the eleventh or twelfth century that fragments of an image of the Blessed Virgin which King Arthur had brought from Jerusalem, were preserved at Wedale: 'Nam Arthur Ierosolimam perrexit, et ibi crucem ad quantitatem salutiferae crucis fecit, et ibi consecrata est; et per tres continuos dies jejunavit, vigilavit et oravit coram Cruce Dominica, ut ei Dominus victoriam daret per hoc signum de paganis; quod et factum est: atque secum imaginem S. Mariae detulit, cujus fracturae adhuc apud Wedale in magna veneratione servantur. *We Dale*, Anglice; *Vallis Doloris*, Latine: Wedale est villa in provincia Lodonesie, nunc vero juris Episcopi S. Andreae Scotiae, VI. milliaria ab occidentali parte, ab illo quondam nobili et eximio monasterio de Meilros.'—(Hist. Nennii, cap. lxiv. Mon. Hist. Brit. vol. i. p. 73.)

The Priest of Wedale a judge of the Law of Clan Macduff;

'The Black Priest of Wedale' was one of the three judges of the Law of Clan Macduff; the others being the Toschach or Earl of Fife, and the Lay Abbot or Lord of Abernethy.—(Wynt. Orig. Chron. Scot. book vi. chap. 19.)

and a juror for the Bishop of St. Andrews.

By the Laws of the Marches between Scotland and England in the year 1249, it was declared that every man challenged in either realm should answer by his bodily oath except the two Kings, and their heirs, and the Bishop of Durham and the Bishop of St. Andrews; all these might swear by proxy, the Kings by their Standard Bearers or their Constables, the Bishop of Durham by the Prior of Holy Island, the Bishop of St. Andrews by the Priest of Wedale: 'pro Episcopo Sancti Andree iurabit Presbiter de Wedal.'—(Act. Parl. Scot. vol. i. p. 85.*)

Sanctuary of Wedale.

The girth of Wedale appears in record between the years 1153 and 1164. There is a writ of King William the Lion, a few years later, ordering the servants of the church, and the wardens of its sanctuary, 'ministris ecclesie de Wedale, et illis qui pacem ibidem custodiunt' not to detain the men of the Abbot of Kelso, who take refuge there, inasmuch as the Abbot is willing to answer for them: 'ne detineatis homines Abbatis de Kelchou qui ueniant ad uos ad pacem uel catalla eorum, desicut ipse Abbas offert eis et pro eis omnem rationem et iusticiam.'—(Lib. de Calch. vol. i. pp. 22, 23; vol. ii. p. 317.)

Pontiff's letter,[1] decreed that two bishops should remain in Scotland to serve the offices and watch over the interests of the church.[2]

Tax for a Crusade imposed by the Council of Lyons, A.D. 1274.

One of the first acts of the Council of Lyons was the imposition of a tax of a tenth part of all church revenues during the six following years for an expedition for relief of the Holy Land.[3] The Pope wrote to the Scottish Bishops and to the Scottish Provincials of the orders of St. Dominic and St. Francis, exhorting them to preach up the Crusade,[4] and appointed Boiamund of Vicci, a canon of the cathedral of Asti in Piedmont, to collect the subsidy in Scotland.[5] Hitherto taxes had been levied

Boiamund of Vicci, made its Collector in Scotland, A.D. 1274.

[1] Raynald. Ann. Eccles. ann. 1272. § XXIV. t. iii. p. 302.

[2] A.D. 1273. 'Celebratum est Concilium apud Perth, quo per literas Domini Papae citati sunt omnes praelati Scotiae, ut conveniant apud Lugdunum in principio Maii; ubi decretum est Episcopos Dunkeldensem et Moraviensem in regno debere remanere pro statu ecclesiae conservando. . . . Anno Domini millesimo ducentesimo septuagesimo quarto . . . profecti sunt omnes Episcopi Scotiae versus Lugdunum post festum Purificationis, praeter Episcopos Dunkeldensem et Moraviensem . . . Hoc anno, Kalendis Maii, celebratum est Concilium Lugdunense, in quo praesidebat Papa Gregorius x. quo interfuerunt duo Patriarchae, quindecim Cardinales, quingenti Episcopi, et Praelatorum Mitratorum, praeter praemissos, mille.'—(J. de Ford. Scotichron. lib. x. capp. 33, 34.)

[3] Labb. et Coss. Conc. t. xi. col. 938. Raynald. Ann. Eccles. ann. 1274. § III. t. iii. pp. 345, 346.

Letters of Pope Gregory x. to the Scottish Bishops and to the Scottish Provincials of the Black and Grey Friars, for preaching a Crusade, A.D. 1274.

[4] Theiner, Mon. Vet. Hib. et Scot. pp. 103-106. The Pope's letter to the Scottish Bishops—'Universis Episcopis ad Romanam ecclesiam nullo medio pertinentibus per regnum Scotie constitutis'—was written from Lyons on the 17th September 1274. His letter to the Provincials of the Dominican and Franciscan Friars—'Prioribus Provincialibus ordinum Praedicatorum et Minorum in Scotia'—was written from the same city on the 13th November 1274.

Letter of Pope Gregory x. appointing Boiamund of Vicci, canon of Asti, to be collector in Scotland of the Papal Tenths for relief of the Holy Land, 20th Sept. 1274.

[5] 'Gregorius Episcopus servus servorum Dei, dilecto filio Magistro Boiamundo de Vitia, canonico Astensi, capellano dilecti filii nostri U. Sancti Eustachii diaconi Cardinalis, salutem. . . . Cum . . . approbante Sacro Generali Concilio nuper congregato Lugduni, decimam omnium ecclesiasticorum reddituum et proventuum ad Terre [Sancte] subsidium per sex annos, a festo Nativitatis Beati Iohannis Baptiste transacto novissime numerandos, duxerimus concedendum: Discretioni tue presentium auctoritate mandamus, quatenus predicte decime colligende in omnibus partibus regni Scotie subscripto modo sollicite coram geras, videlicet ut in singulis civitatibus et diocesibus regni eiusdem de consilio locorum Ordinarii aut eius vicesgerentis, si Diocesanus ipse absens fuerit, et duorum fidedignorum de ecclesia Cathedrali constitutorum in dignitatibus seu aliorum quoad non exemptos, quoad exemptos vero de consilio aliorum presbiterorum de contra, tu deputes duas personas fide facultatibus, si tales invenientur commode, ac alias ydoneas ad collectionis huiusmodi ministerium exequendum. Collectores vero quos ut premittitur deputabis in forma iurare facias inscripta. Et tu nichilominus regnum et partes easdem circumeas diligentius scrutaturus, qualiter in commisso sibi dicte collectionis officio iidem se habeant collectores, qualiter ipsis de decima satisfiat, collectamque per illos ex decima ipsa pecuniam de predictorum Ordinarii et aliorum consilio facias per collectores eosdem in tutis locis vel loco deponi. . . . Forma autem iuramenti quod prestare volumus collectores eosdem, hec est: *Iuro ego . . . a vobis Magistro Boiamundo auctoritate Apostolica deputatus collector ad exigendum colligendum et recipiendum decimam omnium reddituum et proventuum ecclesiasticorum ab omnibus personis ecclesiasticis non exemptis, in . . . civitate et diocesi constitutus, a Sede Apostolica pro subsidio Terre Sancte concessam, quod fideliter exigam colligam recipiam atque custodiam ipsam decimam, non deferendo in hiis alicui persone cuiuscumque ordinis status conditionis aut dignitatis existat, prece timore gratia vel favore vel alia quacumque de causa, et eam integre restituam et assignabo prout a vobis*

in the Scottish Church according to an old conventional valuation called the 'Antiqua Taxatio.'[1] But the new tax-gatherer proposed to assess the clergy according to the 'Verus Valor,' or actual yearly worth of their benefices, as ascertained by their oaths. They reclaimed against the proposal, and in a Provincial Council held at Perth in August 1275, prevailed upon Boiamund, by large payments and larger promises, to return to Rome, there to entreat the Pope that the subsidy of the Scottish Church might be levied according to the ancient valuation, and that its payment might be spread over seven years.[2] His journey and his entreaties were in

Provincial Council at Perth, 6th Aug. 1275.

recepero in mandatis, et super premissis omnibus et singulis plenam et fidelem rationem reddam vobis: et si contingat vos officium quod in premissis geritis dimittere, hec eadem faciam iuxta mandatum illius qui substituetur in eodem officio: Sic me Deus adiuvet et hec Sancta Evangelia. Datum Lugduni, XII. Kal. Octobris pontificatus nostri anno tertio.'—(Theiner. Mon. Vat. Hib. et Scot. p. 104.)

The 'Antiqua Taxatio Ecclesiae Scoticanae' or Valuation of Church Benefices in Scotland, in the beginning of the thirteenth century:

[1] 'The churchmen,' says Mr. Cosmo Innes, 'were careful of their Old Valuation. It is found recorded in the chartularies both of seculars and of regulars, each preserving the diocese which interested its own body; and the parts thus saved give us beyond doubt the state of church livings as in the beginning of the thirteenth century, and but little altered probably since the period which followed immediately on the great ecclesiastical revolution under King David I.'—(Origines Parochiales Scotiae, vol. i. pref. p. xxxvii.)

The Antiqua Taxatio of four dioceses is preserved:

diocese of St. Andrews;

(i.) of St. Andrews, containing 234 benefices (divided into eight rural deaneries, Linlithgow, Lothian, Merse, Fothrif, Fife, Gowrie, Angus, Mearns) in the Reg. Priorat. S. Andr. pp. 28-39; in the Reg. Vet. de Aberbroth. pp. 232-240; in the Reg. de Dunferm. pp. 203-212; in the MS. 31. 2. 5. Adv. Lib. pp. 11-16; and imperfectly (the deaneries of Linlithgow, and of Lothian, and part of the deanery of the Merse being wanting) in the Formulare Instrumentorum Ecclesiasticorum, MS. in the University Library at St. Andrews.

of Brechin;

(ii.) of Brechin, containing 23 benefices, in the Reg. Vet. de Aberbroth. pp. 240, 241.

of Aberdeen;

(iii.) of Aberdeen, containing 86 benefices (divided into three rural deaneries, Mar, Buchan, Garioch) in the Reg. Priorat. S. Andr. pp. 355-360, and the Reg. Vet. de Aberbroth. pp. 241-246; (divided into five rural deaneries, Mar, Buchan, Boyne, Garioch, Aberdeen), in the Reg. Episc. Aberd. vol. ii. pp. 52-54, and in Sir L. Stuart's Collections, pp. 216-221. MS. Adv. Lib. 34. 3. 12.

diocese of Murray.

(iv.) of Murray, containing 64 benefices (divided into four rural deaneries, Elgin, Inverness, Strathspey, Strathbogie) in the Reg. Episc. Morav. pp. 362-363.

The valuation of the benefices in the other dioceses is not known to exist; but the amount for each diocese is recorded: St. Andrews, £8023; Glasgow, £4080; Aberdeen, £1610; Murray, £1418; Dunkeld, £1206; Dunblane, £607; Brechin, £441; Whitherne or Galloway, £358; Ross, £351; Caithness, £286; Lismore or Argyle, £280: in all, £18,662.—(Reg. Priorat. S. Andr. pp. 28, 360; Reg. Vet. de Aberbroth. p. 231; Reg. Episc. Aberd. vol. ii. p. 51.) Cf. Act. Parl. Scot. vol. i. pp. 141, 142.

[2] A.D. 1275. 'Magister Bajamondus missus a Domino Papa venit in Scotiam, ad colligendum et deponendum decimam ad subsidium Terrae Sanctae. Omnes beneficiati, nullis exceptis, sub districtione juramenti et excommunicationis persolverunt decimas non secundum Antiquam Taxationem, sed secundum Verum Valorem omnium bonorum ecclesiasticorum. Monachi Cistertienses concesserunt Domino Papae, pro toto ordine suo finaliter, quinquaginta mille marcas argenti. Concilium ad hoc congregavit apud Perth hoc anno, in crastino Sancti Oswaldi Regis, ubi requisitus a praelatis et clero, non sine magnis expensis et majoribus promissis si expediret, repedavit ad curiam Romanam, Dominum Papam pro clero Scotiae precaturus, ut antiquas taxationes omnium bonorum suorum acciperet, septem annis utique pro sex computatis: sed rediit in Scotiam, infecto negotio, multo aere propterea exposito; quia communiter, ut dicitur, Legati nisi

vain; and he returned to Scotland to complete a valuation roll of its benefices, which still retains his name, and served for the apportionment of ecclesiastical taxes until the Reformation.[1]

Boiamund's Tax Roll of Scottish benefices, A.D. 1275.

delicate nolunt procurari.'—(J. de Ford. Scotichron. lib. x. cap. 35.)

Among the records of Scotland delivered by King Edward I. to King John Balliol in the year 1292, was 'Littera Dunkeldensis et Dumblanensis Episcoporum et Beaumundi de Vicia, canonici Astensis, collectorum decime, de executione mandati Apostolici, facta super negocio decimarum sex annorum Regi Scocie concessarum.'—(Act. Parl. Scot. app. to pref. p. 9.)

Boiamund died before the collection of the tax was completed. The gathering in of the arrears was intrusted to certain merchants of Florence, Sienna, and Lucca; and in 1285, Pope Honorius IV. addressed the Scottish King on their behalf. In 1291, King Edward I., as Overlord of Scotland, wrote to the Scottish Bishops and Prelates in favour of Geoffrey of Vezano, whom the Pope had appointed to audit the accounts of Boiamund's executors and to collect the arrears of the tax.—(Theiner, Mon. Vet. Hib. et Scot. pp. 133, 134. Rot. Scot. vol. i. pp. 3-5, 7, 8.)

Fragment of Boiamund's Account Book of the Papal Tenths collected by him in Scotland, A.D. 1274-7.

[1] No perfect contemporary copy of Boiamund's Roll has yet been discovered. The hope that one might be found in the Vatican has been disappointed by Father Theiner's publication of all that remains there, a fragment of an account of the sums collected during the first three years: 'Exemplum cuiusdam libri de papiro, in quo continetur collectio decime Terre Sancte facta in regno Scotie per Magistrum Boyamundum de Vitia, canonicum Astensem, collectorem dicte decime et superintendentem.'

The whole amount received in the three years, beginning with the Feast of the Nativity of St. John Baptist 1274, was £7195 sterling, or, on an average, £2035 a year. This would not represent a yearly value of more than £20,350, being an increase of only £1688 on the yearly value shown by the Antiqua Taxatio. It may be inferred, therefore, either that Boiamund's tax was ill paid, or that the first three years' receipts fell short in some way of the due amount.

The sum collected in the diocese of St. Andrews in the first year was £976, in the second year £882; in the diocese of Glasgow, in the first year, £536, in the second £468; in the diocese of Aberdeen (divided into five rural deaneries, Garioch, Mar, Aberdeen, Buchan, Boyne), in the first year, £298; in the diocese of Murray, in the first year, £219; in the diocese of Dunkeld, in the first year, £172; in the diocese of Dunblane, in the first year, £108, in the second year, £90; in the diocese of Brechin, in the first year, £48, in the second year, £70; in the diocese of Whitherne or Galloway (divided into four rural deaneries, Desnes, Glenken, Farnes, Reines), in the first and second year together, £209; in the diocese of Ross, in the first year, £44, no payment being received from the bishop's rents, nor from his mensal churches of Tarbet and Nigg, the whole being in the King's hands by reason of vacancy of the see; in the diocese of Caithness, in the first year, £36, in the second year, £45; in the diocese of Lismore or Argyle, in the first year, £34, in the second year, £24. The receipts in the dioceses of Aberdeen, Murray, and Dunkeld, during the second year, are not summed up. Nothing seems to have been received from the diocese of Ross in that year. There is no account of receipts in any diocese in the third year, although the title of the account bears that it includes the collection of three years: 'cuius totalis summa est pro tribus annis VII. millia CXCV. librarum, VI. florenorum, et VI. denariorum sterlingorum.'—(Theiner, Mon. Vet. Hib. et Scot. pp. 109-116.)

Boiamund's Tax-Roll for the Archdeaconry of Lothian, A.D. 1274-95.

A fragment of Boiamund's Roll—so much as served the Prior of Coldingham in collecting the Papal subsidy either of 1274-80 or of 1288-95 in the Archdeaconry of Lothian (comprehending the three rural deaneries of Linlithgow, Haddington or Lothian, and Merske or Merse)—is preserved among the Coldingham writs at Durham, and was printed by the late Dr. Raine in his Priory of Coldingham, app. pp. cviii-cxvii. pref. pp. xi. xii. It shows in one column the real worth, the 'verus valor,' of each benefice, and in another the 'decima' or tenth which the Prior had to collect. The amount of this tenth for the whole Archdeaconry (containing 98 benefices) was £231 from the secular, £454 from the regular clergy, in all £685. The amount accounted for in Boiamund's Book in the Vatican, is £633 in the first year, £328 in the second year.

Boiamund's Roll had been resisted because it

Provincial Council at Perth, 27th Aug. 1280.

In August 1280, a Provincial Council assembled at Perth in the church of the Dominicans or Black Friars. We know nothing more of its proceedings than that the Bishop of Murray addressed a letter to the bishops,

Parliament forbids any higher taxation than Boiamund's Roll, A.D. 1471-93.

rated the benefices at a higher value than the Antiqua Taxatio. The time came when the real value having risen above Boiamund's rating, the clergy appealed to it as the only just valuation. It was enacted by Parliament in the year 1471, 'at nane of Our Souerane Lordis leigis spirituale nor temporal tak apon thame to be collectouris to the seige of Rome of na hicar nor gretar taxatioune of bischoprikis abbassyis priories prouestris na wther beneficis that aw taxatioune bot as the vse and custum of ald taxaciounis has beyne of befor as is contenit in the Prouincialis Buk or the ald taxacione of Bagemounde.' It was again enacted in the Parliament of 1493, 'that nane of the liegis . . . mak . . . hicar taxationis . . . bot eftir the auld taxatione as is conteait in the Buke of Bagimontis Taxt and na hicar.'—(Act. Parl. Scot. vol. ii. pp. 99, 233.)

Three copies of Boiamund's Roll as it stood in the sixteenth century: 1. Habakkuk Bisset's copy.

All that seems now to remain in Scotland bearing the name of Boiamund's Roll is a copy made about the year 1622 by Habakkuk Bisset, a writer to the signet, who had been clerk or secretary to Sir John Skene, the first editor of our ancient laws. 'This extract following,' says Bisset, 'wes fund be the Provinciall of the Quhyte or Carmelat Freiris of Abirdene, called Dene Johnne Christisone, the principall Provynciall of the said Freiris and of Scotland for the tyme, and wes dowbled or copied be ane chaiplane of Auld Abirdene called Doctor Roust: And because the samin Taxt Roll is nocht to be fund in na autentik register within this realme presentlie, be reason of the distructioun of all sic Provynciale places and registeris at the Reformatioun of religioun, and Civile Warris arrysing thairvpoan within this kingdome; Thairfoir I haue thocht guid autentiklie to registrat the samin in this Rolment for the bettir information of the godlie reideris.'

The work spoken of—'The Rolment of Courtis, conteanand the auldest lawes, actis, statutis, constitutionis, monvmentis, and antiquities of the maist ancient realme of Scotland,' etc.—was prepared for the press by the author, but not published. A copy, not quite completed, in his own handwriting, is in the Advocates' Library (25. 5. 1.); and I have been favoured with the use of an earlier copy, also in the author's handwriting, which belonged to the late Mr. George Chalmers, author of 'Caledonia,' and is now the property of Mr. George Dundas, Vice-Dean of the Faculty of Advocates.

The copy of Boiamund's Roll preserved in the the Rolment of Courtis is at foll. 185-217 of the Adv. Lib. copy, at foll. 96-117 of Mr. Dundas' copy. It shows not the yearly values of the benefices, but the amount of the tenths to be collected from them, apparently at some period between 1517 and 1550. It omits all livings below forty marks, all livings in the diocese of the Isles, and all livings in the diocese of Orkney except the archdeaconry of Shetland. Nor does it include bishoprics, abbacies, and other prelacies, as indeed its title shows: 'Taxatio beneficiorum preter prelacias Scotiae in decima parte eorundem.' It enumerates 485 benefices, of which 131 are in the diocese of St. Andrews (divided into eight rural deaneries, Fife, Fotherik, Gowrie, Angus, Mearns, Linlithgow, Haddington, Merse); 149 in the diocese of Glasgow (divided into nine rural deaneries, Peebles, Teviotdale, Nith, Annand, Rutherglen, Lennox, Lanark, Kyle and Cunningham, Carrick); 38 in the diocese of Dunkeld; 41 in that of Aberdeen; 27 in Murray; 19 in Ross; 25 in Whithern or Galloway; 18 in Dunblane; 8 in Caithness; 18 in Brechin; 10 in Argyle or Lismore; 1 in Orkney. It is full of mistakes, the fruit of the ignorance or carelessness of successive transcribers; and, unfortunately, in printing it in the Archaeologia (vol. xvii. pp. 231-253) no attempt was made to amend its inaccuracies. So much of the Roll as applies to the diocese of Glasgow, has been edited with many corrections, in the Reg. Episc. Glasg. vol. i. pp. lxii.-lxix; so much as applies to the diocese of Aberdeen, in the Collect. Hist. Aberd. and Banff, pp. 214-216. Spald. Club: 1843.

2. The 'Libellus Taxationum Ecclesiae Scoticanae'

Habbakuk Bisset's has long been regarded as the only copy of Boiamund's Roll.—(Chalm. Caled. vol. i. p. 689. Orig. Paroch. Scot. vol. i. pref. p. xxxix.) But there is another, much more perfect, which, as it does not bear his name, has hitherto escaped recognition. The 'Libellus Taxationum seu Contributionum Spiritualitatis concessarum Supremo Domino nostro Regi per Praelatos et Clericos regni Scotiae'—MS. Adv. Lib. 31. 2. 5. pp. 16-19—is a copy of Boiamund's Tax Roll,

abbots, priors, deans, archdeacons, and other prelates attending it, setting forth that sentences of suspension, excommunication, and interdict had

differing in substance from Habakkuk Bisset's only in three points: (i.) that notwithstanding its title, it shows the yearly values of the benefices, not the amount of the tenths to be levied from them; (ii.) that it shows the yearly values not only of the benefices, but of the bishoprics, abbacies, and other prelacies; (iii.) that it includes, at least in the diocese of Glasgow, benefices of the value of ten marks.

It enumerates 631 prelacies and benefices, of which 137 are in the diocese of St. Andrews (divided into eight rural deaneries, Fife [which is omitted], Fothrik, Gowrie, Angus, Mearns, Linlithgow, Haddington, Merse); 274 in the diocese of Glasgow (divided into nine rural deaneries, Peebles, Teviotdale, Nith, Annand, Rutherglen, Lennox, Lanark, Carrick, Kyle and Cunningham); 28 in the diocese of Dunkeld; 44 in that of Aberdeen; 32 in Murray; 22 in Ross; 35 in Whithern or Galloway; 22 in Dunblane; 9 in Caithness; 20 in Brechin; 3 in Argyle or Lismore; 1 in Orkney; 4 in the Sudreys or South Isles.

It is, unfortunately, a late and a bad transcript by a slovenly or incapable copyist in the early part of the seventeenth century, who has made many mistakes and omissions. He has not attempted to sum up his figures, and indeed they do not always denote money of the same account—benefices being valued in pounds, prelacies (with two or three exceptions) in marks. The Roll itself is without date, but in the shape in which it reaches us must be after the erection of the see of Glasgow into an archbishopric in 1492.

3. The 'Taxationes super Scoticana Ecclesia, sec. XVI.'

Many errors and defects in these two copies of Boiamund's Roll, may be corrected and supplied by comparing one with the other, and both with a third, much more trustworthy than either, the 'Taxationes super Scoticana Ecclesia seculi XVI.,' of which the original or an official copy of the time, fairly written but not quite perfect, is in the Register House, and a partial copy, in a hand of the seventeenth century, is in the Advocates' Library (MS. 31. 2. 5. pp. 1-11). These taxations, as their titles show, include both prelacies and benefices, omitting all under the value of forty pounds: 'Taxatio sequens super integra Scoticana ecclesia tam super prelaturis quam aliis minoribus beneficiis ad valorem annuum summe quadraginta librarum vel supra.' They follow the rating and arrangement of the other copies, but show neither the yearly values of the prelacies and benefices, nor the amount of the tenths to be levied from them, but the sums which were to be paid by each prelacy and benefice, when a tax of £30,000, a tax of £13,000, a tax of £8000, a tax of £5000, a tax of £3000, or a tax of £2500, was imposed upon the whole Scottish Church.

They enumerate 415 prelacies and benefices, of which 131 are in the diocese of St. Andrews (divided into eight rural deaneries); 126 in the diocese of Glasgow (divided into nine rural deaneries); 32 in the diocese of Dunkeld; 35 in that of Aberdeen; 23 in Murray; 15 in Ross; 17 in Whithern or Galloway; 11 in Dunblane; 5 in Caithness; 12 in Brechin; 4 in Lismore or Argyle; 2 in the Sudreys or South Isles; 2 in Orkney.

Supposed copies of Boiamund's Roll in the British Museum, and in the Advocates' Library.

The Report of the Commissioners on the Public Records of 1812 speaks (p. 76) of a copy of Boiamund's Roll in the British Museum (Harl. MSS. 4613). It is described in the Catalogue of the Harleian MSS. vol. iii. p. 179, as 'A List of the Church Lands of Scotland, commonly called Bayimont's Roll, he being sent from Rome to take it.' But it is nothing more than a rental of Church lands in Scotland in the beginning of the seventeenth century.

What is described as 'Bajimont his Taxation' in Sir Ludovick Stuart's Collections, pp. 216-221—MS. Adv. Lib. 34. 3. 12—is only a copy, from the Register of the Bishopric of Aberdeen, of the Antiqua Taxatio of that diocese.

It would appear that in adjusting Boiamund's Roll, at least in the shape in which it reaches us, nothing more was attempted than a valuation in round sums according to a roughly graduated scale.

Boiamund's Roll: archbishoprics and bishoprics.

The archbishopric of St. Andrews is valued at £3333; the archbishopric of Glasgow and the bishopric of Dunkeld, each at £2000; each of the bishoprics of Aberdeen and of Murray, at £1333; the bishopric of Ross, at £800; each of the bishoprics of Dunblane, of Whithern or Galloway, of Brechin, of Caithness, of Orkney, at £666; the bishopric of the Sudreys or South Isles, at £400; the bishopric of Lismore or Argyle at £293.

The abbacy of Arbroath is valued at £4000; the priory of St. Andrews and the abbacy of Dunferm-

passed at his instance against Sir William of Fenton, lord of Beaufort in the Aird, and calling upon the bishops to denounce him in all the churches

Bosamund's Roll: abbacies, priories, preceptories, ministries.

line are valued each at £3333; the abbacy of Holyrood (Sanctae Crucis), the abbacy of Kelso (with the dependeot priory of Lesmahago), the abbacy of Paisley, each at £2666; the abbacy of Melrose at £2400; the priory of Whithera (Candida Casa), at £2000; each of the abbacies of Cambuskenneth, of Scone, of Capar-in-Angus, of Lundores, at £1666; the priory of Coldingham, and each of the abbacies of Newbottle, of Drybargh, of Kilwinning, at £1333; the abbacy of Jedburgh, the preceptory of the Knights Hospitallers of St. John of Jerusalem at Torphichen, the priories of nuns at North Berwick, and at Haddington, the abbacies of Inchaffray (Insula Missarum), and of Dundreonan, each at £1000; the abbacy of Kynloss, at £866; the Chartreux (prioratus Carthusiae, monasterium Vallis Virtutis) at Perth, the abbacies of Sweet Heart (Dulcis Cordis) or New Abbey, of Calross, of Glenluce (Vallis Lucis), of Deer, of Icolmkill or Iona, each at £666; the priories of Rostynnot, of Inchmahomo (Insula Sancti Colmoci), of Pluscardyne (Vallis Sancti Andreae), the abbacies of Balmerino, and of Corsraguell (Crucis Regalis), each at £533; each of the abbacies of St. Colm's Inch (Insula Sancti Columbae) and of Dercongal or Holywood (Sacri Nemoris, Sacri Bosci), at £466; the priory of Pettynweem (Insula de May), and the abbacy of Tungland, each at £400; the priories of nuns at Eccles and at Coldstream, and the ministry of Failfurd, each at £333; the abbacies of Ferne (Nova Ferina), and of Saulseat (Viride Stagnum, Sedes Animarum), each at £266; the priory of nuns at Elcho (Elioch), the ministry of Peebles, the priories of Beauly (Belli Loci), of St. Mary's Isle, of Ardchattan, each at £200; the priories of Fyvie and of Monymusk, each at £133; the priory of Portmoak (Insula Sancti Servani infra lacum de Levya, St. Serf's Inch in Lochleven), at £106; the priory of nuns at Menuell, at £100; the ministry of Scotlandwell (Fons Scotiae), at £93; the ministry of Houstoun, at £80; the priory of Strathfillan, and the preceptory of St. Authony at Leith, each at £66; the abbacy of Saggadull or Saddel, the priories of Blantyre and of Canonby (domus de Liddel), each at £40; the priory of nuns at St. Bathan's, at £33. The value of the priory of Oransay has not been filled up.

Bosamond's Roll: deaneries of cathedral churches;

The deanery of Glasgow is valued at £266; each of the deaneries of Dunkeld and of Aberdeen, at £240; the deanery of Murray, at £233; that of Brechin, at £100; of Ross, at £80; of Dunblane, at £53; of Caithness, at £40; of Argyle, at £26. No account is taken either of the deanery of Orkney, or of the deanery of the Sudreys or South Isles. The prior and canons of St. Andrews were the chapter of that see; the prior and monks of Whithern were the chapter of Galloway.

archdeaconries.

The archdeaconry of St. Andrews is valued at £320; that of Lothian, at £200; of Glasgow, at £266; of Galloway, at £160; of Aberdeen, at £133; of Dunkeld, at £106; of Murray, at £100; of Dunblane, at £100; of Ross, at £80; of Caithnese, at £80; of Brechin, at £66; of Argyle, at £53; of Shetland, at £53. No mention is made of the archdeaconry of the Sudreys.

provostries or deaneries of collegiate churches.

The provostry of Lincluden is valued at £400; that of Dunbarton, at £246; of Bothwell, at £200; of Kirkheugh (Beatae Mariae de Rape) at St. Andrews, of Methven, of St. Giles' at Edinburgh, each at £160; the deanery of Dunbar, at £133; the provostry of the Holy Trinity at Edinburgh, at £120; that of Crichton, at £100; of Craill, at £80; of Corstorphine, of Danglass, of Abernethy, each at £53; of Bothan's (Yester), of Hamilton, of Maybole, of Tain, of Dalkeith, of Kilmun, at £40; of Seton, and of Gathrie, each at £26.

Valuation of Scottish Prelacies in the Camera at Rome. A.D. 1492-1550;

An account of the sums at which the Scottish Sees and Religious Houses stood rated in the books of the Camera at Rome—'Taxe Ecclesiarum et Monasteriorum regni Scotie de quibus consistorialiter disponi consueuit prout taxantur in Libris Camere Apostolice'—is prefixed, in a hand of the earlier half of the sixteenth century, to the Form. Instrum. Eccl. MS. Univ. Lib. St. Andrews. Thirteen bishoprics and twenty-three monasteries are enumerated.

archbishoprics and bishoprics.

The Archiepiscopal and Primatial see of St. Andrews is taxed at 3300 ducats; the Archiepiscopal see of Glasgow, at 2500; the see of Dunkeld at 450; of Aberdeen, at 1250; of Murray, at 1200; of Brechin, at 500; of Whitherne or Galloway, at 100; of Ross, at 600; of Caithness, at 233; of Dunblane, at 800 (of old at 370); of Lismore or Argyle, at 110; of the Sudreys or South Isles, at 660; of Orkney, at 200.

of their dioceses as a man, under the ban of the church, to be shunned by all faithful Christians.[1] It was declared by a Scottish Canon that

Valuation of the Romae Camera: monasteries.

The Benedictine monastery of St. Mary of Kelso is valued at 66 ducats; the Benedictine monastery of St. Thomas of Arbroath, at 600; the Benedictine monastery of St. Margaret of Dunfermline, at 250; the Benedictino monastery of St. Mary of Lundores, at 333; the Augustinian monastery of Holyrood at Edinburgh, at 171; the Augustinian monastery of Scone, at 250; the Augustinian monastery of St. Mary of Cambuskenneth, at 400; the Premonstratensian monastery of St. Mary of Drybargh, at 150; the Cistercian monastery of St. Mary of Newbottle, at 100; the Cistercian monastery of St. Mary of Balmerino, at 200; the Cistercian monastery of St. Mery of Capar, at 100; the Cistercian monastery of St. Mary of Melrose, at 800 (formerly at 1980); the Cluniac monastery of Paisley, at 600; the Benedictine monastery of Kilwinning, at 150; the Augustinian monastery of Jedburgh, at 40; the Premonstratensian monastery of Holywood, at 42; the Augustinian monastery of St. Culm's Inch, at 83; the Cistercian monastery of Deer, at 100; the Cistercian monastery of St. Mary of Kinloss, at 300; the Cistercian monastery of St. Mery of Dundrennan, at 50; the Cistercien monastery of St. Mary of Glenluce, at 66; the Augustinian monastery of Inchaffray, at 100; the Cistercian monastery of St. Mary of Calross, at 100. No account is taken of any other religious house.

Letter from the Bishop of Murray to the Provincial Council at Perth, 19th Aug. 1280.

[1] 'Universis Episcopis, Abbatibus, Prioribus, Decanis, Archidiaconis et ceteris ecclesiarum Prelatis, in Concilio die Lune proximo post festam Sancti Bartholomei in Ecclesia Fratrum Predicatorum de Perth celebrando, congregatis, Archibaldus Dei gratia Moraviensis Episcopus, salutem in Salatis Auctore. Noveritis nos in lite inter nos et Dominum Willelmum de Fentona diutius egitata subscriptum a judicibus delegatis obtinuisse decretum:

Sentences of suspension, excommunication, and interdict against Sir William of Fenton, lord of Beaufort in the Aird.

R. Dei gratia Episcopus, et Decanus Rossensis ecclesie et Prior de Bello Loco ejusdem dyocesis, executores deputati a viro religioso Dei gratia Abbote de Der unico judice a Sede Apostolica delegato in causa que super terra ecclesie de Keltalorgyu vertebatur inter venerabilem patrem Archibaldum Dei gratia Moraviensem Episcopum actorem ex una et Dominum Willelmum de Fenthon dominum de Beuford in le Hard et Ciciliam sponsam suam reos ex altera, dilectis sibi in Christo Decano Christianitatis de Innernys, Rectori ecclesie de Landechtyn, et Vicario de Wardlawe, salutem in Salutis Auctore. Cum nos, die Mercurii proximo ante festum Sancti Michaelis anno gratie millesimo cc°.lxx°. nono, ad ecclesiam de Keltalargyn accedentes prefatum Episcopum Moraviensem personaliter ibidem comparentem nomine ecclesie sue in . . . possessionem dimidie dauache terre . . . dicte ecclesie de Keltalargyn de jure spectantis, et prefato Episcopo . . . per prefatam judicem ex secundo decreto alias finaliter adjudicate . . . induximus, et ibidem publice denunciando auctoritate Apostolica monuimus ne prefatus Willelmus . . . prefatum Episcopum quocunque modo impedire presumeret quominus de predicta terra . . . libere valeat disponere. . . . At spretis monitionibus nostris prefatus Willelmus . . . prefatum Episcopum quominus pacifice possessione sibi decreta uti valeat . . . hactenus temere presumpsit impedire: Vobis mandamus . . . quatenus statim visis literis istis, adjunctis vobiscum quibusdam capellanis et aliis fidedignis, ad Castrum de Beaford personaliter accedentes, trinas monitiones, videlicet, semel secundo et tertio . . . ibidem faciatis ut prefati Willelmus et Cecilia . . . eundem Episcopum . . . impedire non presumant quominus de predicta terra . . . libere valeat disponere. Et vero si monitionibus vestris contemptis usque ad proximum Pascha in sua contumacia perseveraverint, ipsos quos ex tunc ab ingressu ecclesie in hiis scriptis suspendimus, per totum Decanatum de Innernye et alibi ubicumque visum fuerit expedire pro suspensis hujusmodi denuncietis. Et si iterato super premissis legittime moniti ut prius infra diem Dominicam post instans festum Ascencionis Domini a sua rebellione desistere non curaverint, ipsos, quos tunc . . . in hiis scriptis excommunicamus, per loca supradicta, singulis diebus Dominicis et Festivis, pulsatis campanis, candelis accensis, publice et solempniter denuncietis excommunicatos. Sane si adhuc tertio super premissis legitime moniti ut prius . . . ad gremium matris sue infra festum Sancti Petri ad Vincula proxime futurum redire non curaverint, . . . sententiam interdicti quam ex tunc in terras eorum et in omnia loca ubi moram traxerint . . . in hiis scriptis proferimus, tam diebus quam locis et sub eadem solempnitate ut

and Cecily his wife, 26th Mar. 1280.

26th Sept.

21st Apr.

21 June.

when such a requirement should be made of the Bishops it was their duty to comply with it.[1]

War of the Succession, A.D. 1286-1328, no trace of Provincial Councils till towards its close.

The untimely death of King Alexander the Third was followed by forty years of anarchy or of war. It may be doubted if during the heat of the great struggle which secured the independence of Scotland, any Provincial Councils were held; if they were, they have escaped record.[2] The contest, it would seem, was drawing to an end before the Scottish clergy found opportunity or occasion to meet in synod.

Provincial Council at Perth, 9th Jul. 1321.

Their first Council of which we hear assembled at Perth in the summer of 1321. Nothing more is known of it than that Agnes the daughter and heir of Sir Peter of Morthington, knight, appeared before it, and plighted her bodily faith in the hands of the Bishop of St. Andrews, and took her oath upon the Gospels, in presence of all the Prelates, that she would never question the sale which she had made of her land of Gillandriston in the Garioch to John the son of Adam Bruning, for three hundred and sixty marks sterling. A Parliament was sitting at the same place, on the same day; and the heiress of Morthington, passing from the assembly

supra dictum est efficaciter publicetis . . . Datum apud Kinloss in crastino Annunciationis Beate Marie anno Domini m°.cc°. octuagesimo.
Quare vestre caritati attentius supplicamus quatenus zelo Dei et justitie et gratia vicissitudinis predictum Dominum Willelmum in singulis ecclesiis vestrarum dyocesium sententiis suspensionis excommunicationis et interdicti superius expressis subjacere denuncietis, ab omnibus Christi fidelibus arctius evitandum donec premissa super commissis satisfactione condigna beneficium absolutionis meruerit optinere. Datum apud Spyny, die Dominica post festum Assumptionis Beate Marie, anno Domini millesimo cc° octuagesimo.'—(Reg. Episc. Morav. pp. 140-142.)

[1] Pp. 27, 28, statute 53: 'De excommunicato per vnum Episcopum denunciando per alios, et de interdicto promulgando in terras excommunicati si per quadraginta dies in pertinacia perseueraucrit, et de pena prelatorum ista non obseruantium.'

Supposed Provincial Council at Dundee, 24th Feb. 1309-10.

[2] Thomas Innes in his List of Scottish Provincial Councils enumerates one at Dundee on the 24th of February 1309-10, citing as evidence the well-known deed by which the bishops, abbots, priors, and the rest of the clergy of Scotland attest their recognition of Robert Bruce as King of the Scots, and record the fealty which they have rendered to him. The date of the deed is in these words: 'Datum in Concilio Generali Scoticano in Ecclesia Fratrum Minorum de Donde, xxiiij°. die mensis Februarij anno Domini M°. CCC°. nono celebrato et anno regni eiusdem quarto.'

Thomas Innes understood 'Concilio Generali Scoticano' to mean a Provincial Council of the Scottish Clergy; but it can scarcely be doubted now that the term signified a General Council of the Estates of Scotland. It was so interpreted by the late Mr. Thomas Thomson and by Mr. Cosmo Innes, and they have accordingly given the deed a place among the Acts of the Parliaments of King Robert I., along with another of the same date and purport, running in the names of the Bishops of St. Andrews, Glasgow, Dunkeld, Aberdeen, Murray, Dunblane, Ross, Caithness, Brechin, Lismore or Argyle, Whitherne or Galloway, and the Sudreys or South Isles.—(Act. Parl. Scot. vol. i. pp. 100, 101.)

of the Prelates, knelt before the King, and made resignation of her land in his hands as King of Scots, as well as heir of Sir Robert of Bruce of good memory, overlord of the land, in right of his descent from the daughter of David Earl of Huntingdon and the Garioch.[1]

Provincial Council at Scone, 22d Mar. 1325.

Of the proceedings of a Council which met three years afterwards, all that remains is a protest by the Bishop of Glasgow, fortified by the seal of the Conservator. The Scottish Kings had long claimed the right of presenting to all benefices, in the collation of the Bishops, which might fall vacant between the death of one Bishop and the fealty and homage of his successor. The claim did not pass without challenge. In one instance, at least, it was disputed by a subject. The right of King Alexander the Third, during a vacancy in the see of Glasgow, to the advowson of the churches of Annandale, was resisted by the lord of that greatly privileged fief, the grandfather of King Robert Bruce.[2] His resistance

Right of the Scottish Kings to present to all benefices, in the collation of a Bishop, during the vacancy of his See.

The heiress of Morthington makes oath in the Provincial Council at Perth, that she will never challenge the sale which she has made of her land. 9th Jul. 1321.

[1] 'Et ad hoc fideliter et inuiolabiliter obseruandum, fidem meam in manibus venerabilis patris Domini Willelmi de Lamberton Dei gratia Episcopi Sancti Andree prestiti corporalem, et nichilominus iurani, tactis Sacrosanctis Ewangelije in presencia vniuersorum Prelatorum in Concilio apud Perth, nona die mensis Julij, anno Domini millesimo ccc. vicesimo primo, congregatorum, me dictam vendicionem meam ratam et firmam habere inperpetuum pro me et heredibus meis et successoribus, nec contra eandem directe vel indirecte per me vel per alium quomodolibet venire in futurum. . . . Et vt presens mea vendicio . . . plenam optineat roboris firmitatem . . . resignani . . . in pleno Parliamento tento apud Perth die et anno supradictis, in manibus serenissimi principis Domini Roberti Dei gratia Regis Scottorum illustris . . . totam predictam terram de Gillandriston. . . . Qui quidem Dominus Rex tam vt Rex Scocie quam vt heres bone memorie Domini Roberti de Bruys superioris domini predicti tenementi de Gillandriston, prefato Johanni . . . dictam terram et tenementum . . . contulit, ac eundem de dicta terra infeodauit et ipsum de eadem inuestiuit.'—(Reg. Mag. Sig. pp. 16, 17. no. 84. Act. Parl. Scot. vol. i. pp. 118, 119.)

[2] This appears from a hitherto unpublished writ, probably the earliest in the French tongue extant under the great seal of Scotland :

'Alysandre par la grace de Deu Roy Descoce a tuz les prudes homes de tute sa terre, Saluz. Contek eu entre nos e Robert de Brus le pere noster feel e noster leel, sur avnweysoun e fruz de benefice de eglise e dreitures e franchises a nos apurtenanz en le Val de Anand, par voidance de leglise de Glasgu la warde de la quele a nos apartent par reson de nostre reale poeste, ove tutes ses dreytures apurtenances e franchises. Tant au Vendredy procheyn apres lannunciacion Nostre Dame, lan de grace millime deucentime settantime, a Schna, aparant le avandit Robert en nostre presence e de nos granz genz recunubt e otria tutes les avant dites choses dreitures e franchises estre noster dreit, e a nos apartenyr heritablement, sanz contradiction de luy e de ses heirs a nul jor. Et des amendes del empeschement et de la detenance fete par luy par hubliance des choses avantdites e franchises, se mist il de haut e de bas a nostre volente. Les queles amendes de tut lay pardonames a la priere de luy e de ses amys. E volons e grantons ke lavantdite reconoysance et otreyement a nul jor soit damajouse a ses franchises de Val de Anand, ke il doit aver par droit e par reson ke il e ses heyres ne les pyssent franchementes joir par droit e par reson. Tesmoyne Richard evesque de Dunkeldyn, Alysandre Cumyn conte de Buchane justice Descoce, Willame conte de Marre,

Writ by King Alexander III. declaring that the acknowledgment by Robert Bruce, the elder, of the King's right of advowson in the churches of Annandale, during the vacancy of the see of Glasgow, shall not prejudice Bruce's rightful and reasonable franchises in the fief, 28th Mar. 1270.

was unsuccessful; hut tho claim of the King of Scots found a more formidahle opponent at Rome. Pope Alexander the Fourth saw reason not to press his opposition;[1] but Pope John the Twenty-Second was less yielding.[2] In the year 1322 he appointed John of Lindsay to the see of Glasgow, committing to him not only tho cure of the spirituality but tho administration of the temporality.[3] As if still more emphatically to assert

Gilbert de Humfrancvile conte de Anegus, Johan Cumyue le pere, et Hwe de Berkeley justice de Lonesse. A Schone, le vint et vtime jor de Marz, lan de noster regne vint e vu.'—(Original in the Office of the Duchy of Lancaster, at London.)

Rescript of Pope Alexander IV. to the King of Scots, refusing to annul the appointment of John of Cheam to the see of Glasgow, but consenting that the King shall keep its temporalities until the Bishop take the oath of allegiance, 21st May 1260.

[1] In the year 1260, King Alexander III. sent messengers to Rome to entreat Pope Alaxander IV. to annul his appointment of his chaplain, John of Cheam, to the see of Glasgow. The Pope declared that to be impossible, but professed himself anxious to comply with certain other requests preferred to him on the part of tha King: 'Postmodum per eosdem nuntios fuit propositum coram nobis, quod per litteras Apostolicas venerabilibus fratribus nostris Lincolniensi et Bathonensi Episcopis . . . directas, tuis iuribus et consuetudinibus antiquis in eo videbatur potissime derogari, quod in eisdem litteris habebatur, ut tu predicto Episcopo vel procuratori suo eius nomine speciale super hoc ab ipso mandatum habenti, ac etiam facienti que idem Episcopus excellentie tue facere teneretur, regalia seu temporalia Glasguensis ecclesie sine dilatione seu difficultate qualibet assignares, nec non ut de redditibus et provantibus ipsius ecclesie quos postquam predicta provisio ad tuam pervenit notitiam percipisti, eidem Episcopo satisfactionem plenariam exhiberes: hanc etenim propositionem suam predicti nuntii per hoc probare principaliter intendebant, quod quilibet Episcopus quantumcumque canonice promotus ad aliquam tui regni ecclesiam cathedralem, priusquam assecutio regalium seu temporalium ecclesie sue sibi proveniat, iuramentum fidelitatis personaliter tibi prestare tenetur. Hiis autem diligenter auditis, nos qui semper ad hoc vigilanter intendimus, quod Apostolice dignitatis honorem et privilegium ecclesiastice libertatis in suo robore conservantes, aliquorum iura vel approbatas consuetudines non ledamus, de fratrum nostrorum consilio duximus providendum, quod idem Episcopus sub tuo conducto ad regalem presentiam libere perveniat et secure, ac tibi prout fieri consuavit prestet fidelitatis debite iuramentum, et prefata ecclesia sua regalia seu temporalia de manibus tuis recipiat subsequenter. Ceterum te securitatem huiusmodi et assignationem regalium seu temporalium ipsorum liberaliter adimplente, nos, si quid per supradictas litteras directas Episcopis memoratis, seu quascunque alias contra te aut regnum tuum propter hoc fuit hactenus ab eisdem Episcopis vel decetero fuerit attemptatum, penitus revocamus et irritum decernimus et inane. . . . Datum Anagnie, XII. Kal. Junii, pontificatus nostri anno sexto.'—(Theiner, Mon. Vet. Hib. et Scot. pp. 86, 87.)

This Bull, along with others touching the same question, seems to have been in the Scottish Treasury in the year 1282.—(Act. Parl. Scot. vol. i. app. to pref. pp. 1, 2.)

Raynaldi confuses the right of the Scottish Crown to the temporalities of vacant sees, with its right to the personal estates of deceased bishops.

The continuator of Baronius, after reciting the bull of Pope Alexander IV., adds: 'Tenuit diutius in Scotia ea nefaria consuetudo, ut Reges vacantium ecclesiarum, vectigalia in suum aerarium derivarent; quam cum ab aequitate abhorrere perpendisset David Scotiae Rex, illam regio decreto abolevit. Sed facile postea principibus suasit avaritia, ut bona ea ecclesiastica invaderent: qua de re gravissime questus Gregorius XI. apud Robertum Regem Scotiae, hortatus est (Greg. XI. l. 5. ap. cur. pag. 180) ut exemplo Davidis Regis bonis hujusmodi temperaret; de quo in decimo sexto Annalium tomo (ann. Chr. 1375) dicemus.'—(Raynald. Ann. Eccl. ann. 1260. § XIV. t iii. p. 58.)

I have failed to find the promised passage. The author had probably discovered that the bull of Pope Gregory XI., to which he referred, dealt with a different question—the right of the Scottish King to the personal estate of a Scottish bishop at the time of his death.—(Theiner, Mon. Vat. Hib. et Scot. pp. 346, 353.)

[2] Cf. Extravag. Commun. lib. I. tit iii. cap. 4; lib. III. tit. ii. capp. 4., 11.

[3] 'Iohannes Episcopus servus servorum Dei, dilecto filio Iohanni electo Glasguensi, salutem . . . Dudum . . . , fidedignis relatibus intelleximus

the right of the Apostolic See, he reserved to his own collation the prebend in the cathedral of St. Kentigern vacated by the promotion of the newly consecrated Bishop, and, as would seem, bestowed it upon an Italian, Nicholas de Guercino, nephew of the Italian Prelate who consecrated the Bishop of Glasgow.[1] But no sooner did the Scottish Prelate return home than he was required hy King Robert to give institution in the same prehend to the King's clerk, Walter of Twynam, who had been presented by the King, in virtue of the right which, he said, belonged to him and his predecessors, hy the immemorial custom of Scotland, of presenting to all benefices, in the bishop's collation, fallen vacant before the bishop had taken the oath of fealty and allegiance to the King. The Bishop was thus placed in a position of some difficulty. He had to choose between laying himself open to the King's displeasure, on one hand, and failing in his duty to maintain the right of the Apostolic See, on the other.

Bull of Pope John XXII. appointing John of Lindsay to the see of Glasgow, and committing to him the charge as well of its temporality as of its spirituality, 15th Mar. 1323.

quod venerabilis frater noster Iohannes Conorensis, tunc Glasguensis Episcopus, ecclesie Glasguensi ex certis causis, prout asserebat, proficere non valebat nec gregem Dominicum vigilantie sue creditum doctrina verbo et operis informare, propter qnod eadem ecclesia tam in spiritualibus quam temporalibus defectum non modicum sustinebat. . . . Nos . . . prefatum Iohannem, licet absentem, de dicta Glasguensi ecclesia, cui tunc preerat, ad Conorensem ecclesiam tunc vacantem . . . duximus transferendum. . . . Ac volentes nostre operationis ministerio eidem ecclesie Glasguensi talem presidere personam, per quam ipsa ecclesia Glasguensis regatur utiliter in utrique, cum nullus preter nos de ipsius ecclesie Glasguensis provisione se hac vice intromittere possit, pro eo, quod nos diu ante translationem huiusmodi provisiones ecclesiarum omnium per huiusmodi translationes ubicumque tunc vacantium, et quas contingeret vacare in futurum, dispositioni nostre duximus specialiter reservandas, decernendo ex tunc irritum et inane, si secus super hiis per quoscumque scienter vel ignoranter contingeret attemptari, post deliberationem, quam ad deputandam ibidem personam utilem ac etiam fructuosam hebuimus cum eisdem fratribus nostris diligentem, demum ad te, ipsius ecclesie Glasguensis cannonicum, in sacerdotio constitutum, virum utique, prout fidedignorum habet assertio, litterarum scientia preditum, morum gravitate conspicuum, in spiritualibus providum et temporalibus circumspectum direximus aciem nostre mentis. Hiis itaque debita meditacione pensatis, de persona tua ipsi Glasguensi ecclesie de predictorum fratrum consilio auctoritate Apostolica providemus, teque illi in Episcopum preficimus et pastorem, curam et administrationem ipsius tibi in spiritualibus et temporalibus plenarie committendo . . . Datum Avinione, Id. Martii, pontificatus nostri anno septimo.'—(Theiner, Vet. Mon. Hib. et Scot. p. 226: cf. p. 227.)

Friar John of Eglescliff, bishop of Glasgow, A.D. 1318-1322.

The bishop who was thus translated from Glasgow to Connor seems to have escaped the notice of our Scottish writers. He was John of Eglescliff, a Dominican friar, a Penitentiary of the Pope, and was appointed to the see of St. Kentigern by Pope John XXII. on the 17th of July 1318. It may be doubted if he ever got possession of the bishopric. He was translated from Connor to Landaff in 1323-4, and died on the 2d January 1346-7.—(Theiner, Vet. Mon. Hib. et Scot. pp. 202, 226. Dr. Reeves' Eccl. Antiq. of Down and Connor, p 257. Le Neve, Fast. Eccl. Anglic. vol. ii. p. 246, edit. 1854. Mr. Grub's Eccl. Hist. Scot. vol. i. pp. 345, 346.)

[1] Reg. Episc. Glasg. vol. i. pp. 252, 253, pref. p. xxxvii.

He took a middle course. He admitted the King's presentee, saving the right of every one else, and protested that the admission should not in any way prejudice the Pope. The King's presentee adhered to the protest, and bound himself by oath and by writ never to come against it.[1] The authentication of the protest by the Conservator's seal would seem to show that the Bishop had sought the advice of a Provincial Council meeting at Scone at the same time with a General Council of the Estates of the Realm.

Provincial Council at Aberdeen, 26. Nov. 1359.

In the winter of 1359, a Provincial Council assembled in the convent of the Black Friars at Aberdeen. Nothing is known of it, except that an exemplification or transumpt of a bull of Pope Adrian the Fourth in the year 1157, enumerating and confirming the possessions of the see of Aberdeen, was attested in its presence.[2]

Writ by the Bishop of Glasgow, declaring that he has admitted a clerk presented by the King to a prebend in the cathedral of Glasgow, under protest that the admission shall be without prejudice to the right of collation reserved by the Pope, 22. Mar. 1324-5.

[1] 'Universis Christi fidelibus presentes literas inspecturis Johannes permissione diuina Episcopus Glasguensis, salutem in Domino. Quia sanctissimus pater in Christo Summus Pontifex prebendam nostram in ecclesia Glasguensi, per confirmationem et consecrationum nostram in curia vacantem, sue collationi reservauit, ad quam quidem prebendam serenissimus princeps et dominus noster Rex Scottorum illustris, in primo aduentu nostro de curia post promotionem nostram ad ecclesiam nostram prefatam Glasguensem, Magistrum Walterum de Twynam clericum suum nobis presentauit, asserens sibi et predecessoribus suis, juxta consuetudinem in regno Scocie a tempore a quo non extat memoria approbatam, ad omnia beneficia ante fidem et fidelitatem ab Episcopis sibi factam qualitercumque vacantia et ad collacionem Episcoporum pleno jure spectantia, titulo Regio jus competere presentandi; quare petijt cum magna instancia dictum clericum suum virtute sue presentationis ad prefatam prebendam per nos fore admittendum. Nos igitur indignationem seu offensam Regiam sustinere non valentes, nec juri sanctissimi patris nostri Summi Pontificis cui obtemporare tenemur derogare intendentes, sed mediam viam equitate pensata tenentes, supradictum Magistrum Walterum in canonicum ecclesie nostre prefate admisimus, et eundem salvo jure cujuslibet annulo nostro de prebenda predicta investiuimus, protestatione tamen super hoc premissa quod per hanc nostram admissionem et investituram reservationi sanctissimi patris nostri de predicta prebenda facte nolamus in aliquo prejudicium generare: cui quidem protestacioni idem Walterus adhesit ac de non veniendo contra istam protestacionem fide media et juramento corporali prestito, prout in litteris suis obligatorijs penes nos remanentibus plenius continetur, firmiter promisit, saluis sibi in omnibus suis defensionibus legitimis qualitercumque competentibus. In cujus rei testimonium presentibus sigillum venerabilis in Christo patris et domini Domini Walteri Dei gracia Episcopi Dunkeldensis ac Conservatoris tocius cleri Scoticani una cum sigillo nostro est appensum. Datum apud Sconum juxta Perth in Concilio Generali celebrato ibidem die Jovis proxima ante festum Annunciationis Beate Marie Virginis anno Domini MCCCXXIV.'—(Reg. Episc. Glasg. vol. i. pp. 230, 231.)

[2] 'Datum in Concilio Cleri Scoticani apud Aberden in domo Fratrum Predicatorum vicesimo sexto mensis Nouembris anno Domini millesimo trecentesimo quinquagesimo nono.'—(Reg. Episc. Aberd. vol. i. pp. 84-86.)

Supposed Provincial Council at Edinburgh, 26. Sept. 1357.

Lord Hailes conjectures that a Provincial Council was held, simultaneously with a Council of the Estates, at Edinburgh on the 26th of September 1357. 'The Scottish Bishops,' he remarks, 'with consent of their respective chapters, and of the clergy of Scotland, became bound in payment of 100,000 merks sterling for the ransom of that

Provincial Council, before 18. July 1388.

A Provincial Council appears to have met before the autumn of 1388. All that is known of its proceedings is that Walter Trail, Bishop of St. Andrews, was elected Conservator.[1]

Provincial Council, about A.D. 1389.

A year or two afterwards, it would seem, there was another Provincial Council which chose the Bishop of Murray to be Conservator.[2]

Provincial Council at Perth, about A.D. 1390.

The letter by which he summoned a Provincial Council to meet in the Black Friars' Monastery at Perth, on Tuesday after the feast of St. Luke the Evangelist, has been preserved.[3] It is without date, but the deep feeling with which it speaks of the wrongs and sufferings of the Church in the north appears to point to the first years of the reign of King Robert the Third, when the King's brother, the Wolf of Badenoch, burned the city, the canonry, and the cathedral of Elgin,[4] and, in the words of the chronicle of the diocese, 'there was no law in Scotland, but the great man oppressed the poor man, and the whole kingdom was one den of thieves; slaughters, robberies, fire-raisings, and other crimes passed unpunished, and outlawed justice was banished from the realm.'[5]

Church affairs disposed of in Parliament, A.D. 1391-1428.

It would seem that during this troubled period, and for a good many years afterwards, although Provincial Councils still met, ecclesiastical questions were discussed and determined in Parliament. It has been seen that, in 1391, a case of disputed election to the Benedictine Priory of Urquhart, in which an appeal had been taken from the judgment of the Bishop of

weak and anfortunate prince David II. As this obligation is in the name of the whole clergy, and as they are all bound in it, we may reasonably presume that it was consented to and drawn up in a Provincial Council.'—(Hist. Mem. of Prov. Counc. of Scot., in Ann. of Scot. vol. iii. pp. 248, 249.)

'But Innes is silent,' says Mr. George Chalmers, 'and the document, as it has been published, evinces that there was no convocation of any Council. Edward III. and his Chancellor knew that the bond of a Bishop and his Chapter was of more validity than the obligation of a Scotican Council.'—(Caledonia, vol. ii., unpublished chapter 'On the King and Parliament of Scotland,' p. 45.)

The Bishops who are parties to the deed are St. Andrews, Glasgow, Dunkeld, Aberdeen, Murray, Ross, Dunblane, Caithness, Brechin, Argyle. They undertake the obligation 'de communi consensu et assensu omnium capitulorum nostrorum et tocius cleri regni Scocie.' Five Bishops—Glasgow, Dunkeld, Aberdeen, Murray, Ross—append their episcopal and chapter seals. The Bishop of Argyle appends his episcopal seal only, with the note, 'Non habet commune sigillum quia totus clerus eligit.'—(Act. Parl. Scot. vol. i. pp. 155, 156; tab. p. 18.)

The Bishop of Argyle has no chapter, A.D. 1357.

[1] See above, pp. li. lii. note 6.

[2] Pp. 3, 4. no. ii.

[3] Pp. 3, 4. no. ii.

[4] Reg. Episc. Morav. pp. 381, 382, 204, 205, 348, 349, 376, 377. J. de Ford. Scotichron. lib. xiv. cap. 56.

[5] Reg. Episc. Morav. p. 382. Cf. Act. Parl. Scot. vol. i. pp. 208-212, 214, 217, 218.

Murray to the Conservator of the Rights and Privileges of the Church, was finally decided by the King in Parliament by the advice of the clergy who were present.[1] Again, in 1401 it was enacted by Parliament that any one thinking himself unjustly excommunicated should be at liberty to appeal, within forty days, from the Bishop to the Conservator, and from the Conservator to the Provincial Council, where such questions should be determined so long as the schism in the Papacy should last. 'To this ordinance,' it is added, 'the clergy consented, during the schism, like the rest of the King's lieges.'[2] Thus, too, after the deposition of the Antipope by the Council of Constance in the summer of 1417, when it had to be decided whether the Scottish Church should acknowledge Pope Martin the Fifth, the question was debated and judged, not in a Provincial Council of the Clergy, but in a General Council of the three Estates of the realm.[3] So also, in 1425, it was enacted by Parliament that every Bishop should

It is ordained in Parliament that Scotland shall renounce the Antipope Benedict XIII. and acknowledge Pope Martin V., A.D. 1418.

[1] See above, pp. li. lii.

[2] P. 268.

[3] 'A.D. MCCCCXVII. missus est a Concilio Constantiensi venerabilis pater Dominus Abbas de Pontiniaco ad Scotiam, pro reductions ecclesiae Scoticanae Constantiensi Concilio, et ad substractionem fiendam a Domino Benedicto XIII. tunc in Pannistole stante. Cui tunc nulla provincia firmiter adhaesit, excepta Scotia. Hic Abbas magister in theologia solemnisimus habebatur: qui, in Concilio Generali tento apud Perth, legationem suam sermone disertissimo coram Domino Gubernatore et tribus Statibus peroravit. Circa idem tempus Sigismundus Romanorum Augustus, Hungariae, Dalmatiae et Croatiae Rex, scripsit Gubernatori et tribus Statibus regni, de Parisius, ad mittendum procuratores ad corporandum regnum Scotiae, sicut et alia regna incorporata erant Concilio Constantiensi. Scripsit interea Papa Benedictus, tunc sic in obedientia sua nuncupatus, Gubernatori et tribus Statibus, ut perseveranter staret sibi in sua obedientia. Cui multum Gubernator favebat; et quendam Fratrem, natione Anglicum, Robertum Harding, in sacra pagina magistrum, promotorem causae ecclesiae, ex parte dicti Domini Benedicti, constituebat: qui multa, in disputationibus et sermonibus, ad partem Benedicti allicientia proponebat. Contra quem tota Universitas Sancti Andreae insurgebat. Ipse nihilominus, manutenentiam Gubernatoris nactus, eisdem invectiva scripta et dicta mittebat, et taliones receptabat. Propter quod, die secundo 2, 3. Oct. 1418.
vel tertio mensis Octobris anno quo supra [*l.* subsequenti], in Concilio Generali tento apud Perth, pro conclusione obedientiae regni, scilicet adhaesionis Benedicto, vel substractionis ejusdem ad Martinum Quintum, paulo ante concorditer et universaliter in Concilio Constantiensi electum, prae- 11. Nov. 1417.
dictus Harding, Frater de Ordine Minorum, ad retardandum regnum, ne conformaret se unitati, ut dicitur, ecclesiae, et ceteris nationibus Christianitatis, propositionem solemniter de manutenentia Gubernatoris fecit ad clerum et populum, hoc est, tam in lingua materna, quam Latina: cujus thema erat in terminis: *Ante actum consilium stabili.* Cum tamen locus, unde allegabat, aliter se habeat in litera, videlicet: *Ante omnem actum praecedat te consilium stabile.* ECCLES. XXXI. Unde non solum literam, sed et sensum, retorquebat ad placitum suum, circumducens materiam ad retardandum populum de convertendo ad unitatem ecclesiae, ut putabatur. Unde Rector Universitatis, Magister Johannes Elwold, cum aliis famosis theologis, elicientes de propositione conclusiones scandalosas et seditiosas, de haeresi multum suspectas, schismatis nutrivas, et unionis sanctae matris ecclesiae

cause his 'Inquisitores Haereticae Pravitatis' to make search for heretics and Lollards, and that he should order his clergy to make rogations and prayers for the King and Queen and their issue.[1] So, likewise, in 1427, Parliament, having framed or adopted a measure for expediting the procedure in secular causes in the ecclesiastical courts, ordained that it should be enacted by the Provincial Council.[2] So, again, in 1428, it was enacted by Parliament that the Bishops, their Officials, and Rural Deans should, in their parochial visitations, make inquiry whether any of the parishioners were smitten with leprosy.[3] In two of these instances the consent of the clergy to the deliverance of the Parliament is formally

non inductivas, ipsas Domino Apostolico miserunt ad examinandum: Quas damnavit Romana curia, sicut patet per bullam plumbeam regno Scotiae directam, et per industriam et laborem Magistri Johannis Fogo, monachi de Melros, postea abbatis ejusdem, magistri in sacra pagina dignissimi, executam. . . . Sed subito, postquam Fogo adduxerat hanc bullam condemnatoriam ad partes, venit mors naturalis super eum [sc. Harding] in Lanark, et sic cessavit contradictio. Et consequenter ac novissime, eodem anno, omnium regnorum facta est a Benedicto Scotorum substractio, et ad Martinum adhaesio: quod utique Scotis, ad magnam stabilitatem et constantiam singularem, ab omnibus praedicatur, et ad laudem.'—(J. de Ford. Scotichron. lib. xv. capp. 24, 25. Wilk. Conc. Mag. Brit. et Hib. vol. iii. p. 380. Extract. ex Chron. Scocie, p. 218.)

A.D. 1418.

The Faculty of Arts in the University of St Andrews transfers its obedience from the Antipope Benedict XIII. to Pope Martin V., and sends for a goldsmith to finish the Faculty Mace against the solemnisation of the act, 9th Aug. 1418.

The contemporary record of the University of St. Andrews confirms the narrative, and corrects the chronology of the Scotichronicon: 'Anno j^m cccc^mo xviij^o. Congregacione Facultatis tenta apud Sanctum Leonardum, nona die mensis Augusti, fuit conclusum quod substrahenda obediencia a Petro de Luna quondam nuncupato Benedicto, et quilibet Magister Facultatis paucis exceptis substraxit ab eo obedienciam et obedit Martino. Dedit eciam proponentem ad hoc proponendum in facie Concilij coram Gubernatore et tribus Statibus regni ex parte Facultatis Arcium, ad inducendum Dominum Gubernatorem et totum Concilium ad solempniter celebrandam substractionem a dicto Petro de Luna, et ad declarandam obedienciam ecclesie Scoticane pro domino nostro Papa Martino Quinto. Item quod solempnitas substractionis prorogaretur usque ad Generale Concilium ob reuerenciam Domini Gubernatoris et tocius regni. Et in casu quo Gubernator non wlt facere substractionem etc. sed wlt perseuerare in obediencia Petro de Luna, et mittere sibi nuncios ut quidam dicunt, tunc Facultas solempnizabit substractionem etc. Item quod mittendus esset aliquis certus et notabilis aurifabro, eciam expensis Facultatis si oporteat, ad inducendum ipsum ut veniat cum virga et perficiat eam in ista ciuitate, et si non velit quod ipse mittat virgam cum predicto viro, prestita sibi cautione pro opere suo.'—(Acta Rectorum, fol. 4. MS. in the Library of the University of St. Andrews.)

[1] 'Item anentis heretikis and Lollardis that ilk Bischop sall ger inquyr be the inquisicione of heresy quhar ony sik beis fundyne, ande at thai be punyst as lawe of Halykirk requiris; and gif it misteris that secular power be callyt tharto in suppowale and helping of Halykirk. . . . Item it is ordanyt that ilk Bischop gif bidding be his lettres patent till his clergy to mak processionyas and speciale prayeris for the welefare and the heleful estate of Our Lorde the King and our Lady the Quen and thar barnetyme.'—(Act. Parl. Scot. vol. ii. pp. 7, 8.)

Parliament orders the Bishops to make inquest for heretics and Lollards, and to cause rogations and prayers to be made for the King and Queen and their children, A.D. 1425.

[2] Act. Parl. Scot. vol. ii. p. 14: 'Et quod istud statuatur de presenti auctoritate Consilij Prouincialis.'

[3] 'Item at the Bischoppis Officiallis and Denys inquire diligently in thare visitaciounis of ilk pariche kirk gif ony be smyttit with lippir, ande gif ony sic be fundyn swa smyttit at thai be denunceit to the King gif thai be secularis, and gif thai be clerkis to thare Bischoppis.'—(Act. Parl. Scot. vol. ii. p. 16.) See below, p. 272.

Parliament orders the Bishops, their Officials, and Rural Deans, to make inquest for Lepers, A.D. 1428.

set forth, and we may, perhaps not unreasonahly, suppose that it was accorded in the others also. There is yet another case, in 1426, in which a Parliamentary ordinance seems to run only in name of the churchmen: 'Since aforetime the estate of the clergy of the realm willingly granted to cause certain orisons be made through all the realm by those under them for our Sovereign Lord the King, for our Sovereign Lady the Queen, and for the children come of them; now, therefore, considering the great favour, gracious zeal and maintenance which our said Sovereign Lord hears and shows to Holy Church and to its ministers, the said whole estate of the clergy has willingly granted that each Bishop of the realm shall in his next Synod cause ordain and statute that each priest of his diocese, as well regular as secular, as often as he says Mass, shall say a certain collect for the prosperity of our said Lord the King and of our Lady the Queen and their children, under a certain pecuniary penalty and censure of Holy Church, and that at their next General Council of the Clergy they shall cause make a general statute mainly thereupon.'[1]

The Clergy in Parliament agree that each Bishop shall at his next Diocesan Synod order every priest of his diocese, whenever he celebrates Mass, to say a Collect for the King and Queen and their children, and that the next Provincial Council shall make a statute for the same purpose, A.D. 1426.

Provincial Council at Perth, 16th July 1420.

In the summer of 1420, a Provincial Council met in the Black Friars' church at Perth. It is the first of which a formal record has reached us. Six hishops, four ahbots, one conventual prior, a great many deans,

[1] P. 272.

The Clergy in Parliament make police regulations touching the Plague, and order the Bishops to make rogations twice a week throughout their dioceses, A.D. 1456.

So also an Act of the Parliament of King James II. in 1456, for preventing the spread of the plague, runs in the name only of the Spiritual Estate: 'Item as to the feird artikill belangand the pestilence and gouernance tharof, the Clergy thinkis that thar suld na mane to lande nor to burghe that hais gudis to serf him self ande his menghe be put out of his awne house, less than he will nocht remane nor may nocht be closyt within his awne house; and gif he disobeyis his nychtbouris, in that cais he sall be compellyt to pass out of the towne. . . . And that na man sulde byrne ane vthir mannys house bot gif it may be done but hindering or skathing of his nychtbouris: And at the Prelatis mak generale processionis throu out thar dyoceis twyss in the wolk for stanching of the pestilence, and grant pardone to the preistis that gangis in the said processionis.'—(Act. Parl. Scot. vol. ii. p. 46.)

'This Act,' says Sir George Mackenzie, 'contains what is fit to be done in time of pestilence; and because it was an affair to be governed by Christian charity, therefore the regulation of it was referred to the clergy; and upon this account it is that the Act says *The Clergy thinks*, without speaking of King or Parliament; it being ordinary in our Acts of Parliament to set down the report, without drawing it into the formality of an Act of Parliament: And thus in the 91. and 92. Acts 13. Parl. Ja. III. it is said *The Lords think it expedient;* by which word *Lords* must be interpreted *Lords of Articles.*'—(Observ. on Act. XIII. Parl. King Ja. II. chap. lvii. Works, vol. i. p. 197.) Cf. Act. Parl. Scot. vol. ii. p. 165

archdeacons, and priors, and the major part of the other clergy in use to attend, appeared in person; four bishops, and eight abbots were represented by their proxies. After Mass, invocation of the Holy Ghost, and sermon to the clergy, the Bishop of Dunblane was chosen Conservator, the privileges and statutes of the church were read, and the Council addressed itself to the business for which it had been assembled—a declaration of the rights of the Bishops and Ordinaries in the confirmation of testaments and the administration of the goods of persons dying intestate. The declaration was authenticated by the seals of the Bishops and other members of the Synod.[1]

Provincial Council at Perth, July 1427.

A Provincial Council seems to have met during the sitting of a Parliament at Perth in the summer of 1427. The Parliament passed an ordinance, remarkable alike in language and in purpose, curtailing the cost and abridging the forms of process in civil causes against churchmen in the spiritual courts; and, as if the Church had only to register the decree, ordained that it should be forthwith enacted by the Provincial Council.[2]

[1] Pp. 77, 78, 281, 282.

Cf. T. Innes, Crit. Ess. vol. ii. p. 594; Wilk. Conc. Mag. Brit. et Hib. vol. iii. pp. 397, 398; Lord Hailes' Hist. Mem. Provin. Counc. Scot. in Ann. of Scot. vol. iii. pp. 249, 251.

Act of Parliament reforming the procedure in secular actions against the clergy, in the ecclesiastical courts, 11th Jul. 1427.

[2] 'Die Veneris vndecimo die mensis [Julij, anno Dominj M^mo^ CCCC^mo^ XX^mo^ VII°.] . . . Item eodem die ad parcendum expensis et vexacionibus pauperum in curia spirituali litigancium, et ad abbreuiandum lites pro expedicione, fuit ordinatum in causis ciuilibus et prophanis quod ad instanciam laici actoris clericus reus nitetur per suum Ordinarium vel eius Officialem ad certum diem peremptorie, apponendo certa intersticia vt de jure tenetur, exprimendo causam in citacione propter quam reus citatur et ad comparendum scilicet responsurus sub pena excommunicacionis. Quo die adueniente reus habeat litem contestare quod si reus fatetur petitum moneatur ad soluendum infra quindecim dies sub pena excommunicacionis. Si vero deneget petitum, assignetur terminus actorj ad producendum omnes suas probaciones peremptorie juxta arbitrium judicis. Quo die adueniente et receptis huiusmodi probacionibus, assignetur terminus reo ad producendum omnes suas excepciones et defensiones peremptorie iuxta arbitrium judicis. Quo adueniente receptisque excepcionibus et defensionibus, assignetur terminus ad concludendum et ad sentenciam diffinitiuam proferendam si liqueat, sic quod infra XL. dies a tempore citacionis execute sententia feratur, a qua nulla pars friuole appellet, nec judex tales appellaciones admittat. Et si judex infra dictos XL. dies propter suum defectum vel negligenciam non fecerit justicie complementum, vel friuolas appellaciones admittat, et de hoc coram suo Ordinario conuictus fuerit, sit ipse debitor principalis partj conquerentj. Et quod istud statuatur de presenti auctoritate Consilij Prouincialis.'—(Act. Parl. Scot. vol. ii. p. 14.)

Parliament orders one of its statutes to be enacted by the Provincial Council, A.D. 1427.

'This Act,' says Sir George Mackenzie, 'regulating the expences of unjust pleas, seems to have been first made in a Provincial Synod; for it relates to the Official or Commissary Court.'—(Observ. on Act lxxxvii. Parl. 12. King Ja. I. Works, vol. i. p. 179.)

Lord Hailes, on the other hand, with a truer appreciation of the circumstances, contends that 'from the spirit and style of the statute it would seem to have been framed by the laity, not by the

Rupture between Rome and Scotland, A.D. 1429-1437

The boldness of the Scottish legislature in thus dealing with ecclesiastical affairs, appears to have startled the Papal Court; and Pope Martin the Fifth ordered the Bishop of Glasgow,[1] the Chancellor of the realm, to be summoned to Rome for having, with other prelates and clergy of the King's Council, instigated and promoted the making and publication of certain ordinances and statutes hurtful to the rights and liberties of the Church, and derogatory to the authority of the Apostolic See. The King, resenting the summons as a wrong to himself and his realm, sent two ambassadors, a bishop and an archdeacon, to lay his remonstrances at the feet of the Pope, and to urge that the absence of the Bishop of Glasgow should be excused by his duties as Chancellor of Scotland.[2]

clergy alone. *Ad parcendum expensis et vexationibus pauperum in curia spirituali litigantium,*' he adds, 'is not ecclesiastical Latin.'—(Hist. Mem. Prov. Counc. Scot. in Ann. of Scot. vol. iii. p. 25.)

John Cameron, bishop of Glasgow, A.D. 1426-1446.

[1] This remarkable prelate—the able minister of the ablest of the Stewarts—has been claimed by modern pedigree-mongers as a brother or a cousin of the chief of Clan Cameron, the laird of Locheill. But contemporary records leave it scarcely doubtful that he sprung from a burgher family of Edinburgh, deriving its name from the lands of Cameron in the neighbouring barony of Craigmillar. In 1423, when a licentiate in the Canon Law, he appears as secretary to Archibald Douglas earl of Wigton, by whose influence probably he became provost of the collegiate church of Lincluden. He was appointed secretary to the King, in July 1424, a month or two after James's return from England. He now rose rapidly. He was made Keeper of the Privy Seal in April 1425, Keeper of the Great Seal in March 1425-6. He was elected and confirmed Bishop of Glasgow in July 1426, and consecrated early in the following year. He became Chancellor before June 1427. He had already shown himself on the side of the state against the pretensions of the church; and within a few weeks after he received the seal, Parliament passed the act for reforming the ecclesiastical courts, which seems to have been the signal for a breach with the Papal Court. He was on embassies to England in 1429, in 1430, in 1431. In June 1432, it was intended that he should be one of the representatives of Scotland in the Council of Basle, but the design was abandoned, and in November he had a passport through England on his way to Rome. The journey was not undertaken before October 1433. He is found at Bologna in July 1436. He returned to Scotland before September 1437, when he was appointed an ambassador to England. Two years afterwards, in May or June 1439, he ceased to be Chancellor; and now he made his peace with Rome, after a ten years' strife, during which he had been excommunicated, suspended, and interdicted. He died on Christmas eve 1446; and the record of his death in the classic page of Buchanan is disfigured by a legend (borrowed from the credulous Boece) which would have found a fitter place in the Analecta of Wodrow.—(Mem. of Sir E. Cameron, pp. 19, 20. Reg. Cart. Eccl. S. Egid. de Edinb. pp. 50, 60, 85, 93, 94, 181-184. Reg. Mag. Sig. lib. ii. nn. 4, 10, 11, 12, 30, 34, 40, 45, 63, 67, 75, 89, 104, 121; lib. iii. nn. 11, 12, 14, 22, 23, 123. MS. Reg. House. Lib. Cart. S. Crucis, p. 234. Reg. Priorat. S. Andr. pp. 407-409. Rot. Scot. vol. ii. pp. 265, 266, 269, 272, 276, 281, 284, 302. Raynald. Annal. Eccles. ann. 1436. §§ XXIX.-XXXI. vol. ix. pp. 228-231. Theiner, Mon. Vet. Hib. et Scot. pp. 373-375. Act. Parl. Scot. vol. ii. pp. 54, 55. Reg. Episc. Glasg. vol. ii. p. 616. Auchinleck Chron. pp. 6, 39. G. Buchanan. Rer. Scot. lib. xi. cap. 25.)

'Commissio ad Curiam Romanam pro Domino Rege ex ponendo Pape

[2] 'Jacobus etc. reuerendo in Christo patri Johanni episcopo Brechinensi et dilecto nobis Alexandro de Lawder archidiacono Dunkeldensi, salutem. De vestris scientia et discretione confi-

The embassy was unsuccessful; and William Croyser, archdeacon of Teviotdale, one of the Pope's acolytes and household,[1] crossed the Alps as a special Nuncio, to cite the Bishop to the Papal Court. No sooner was the citation served than the Nuncio fled back to Rome pursued by letters under the King's seal, summoning him to answer in the next Parliament for the crimes of rebellion, treason, and lese-majesty. In the shelter of the Vatican, he could defy the summons of his sovereign; but his trial proceeded in his absence, he was found guilty by an assize of nobles, gentry, and burgesses, and was stripped of his benefices and property. He appealed to the Pope, and Eugenius the Fourth issued a bull annulling all tho proceedings against him, restoring him to his livings, and denouncing the severest censures of the Church on all who

sua grauamina etc. A.D. 1429-30.

dentes, vobis, coram sanctissimo patre nostro Sacrosancte Romane ecclesie Summo Pontifice, necnon et coram aliis per ipsius Sanctitatem ad hoc deputatis seu deputandis, pro nobis et regno nostro comparendi, nostra grauamina intimandi communicandi supplicandi ac etiam impetrandi, necnon et reuerendi in Christo patris Johanis episcopi Glasguensis cancellarij nostri absenciam excusandi et dicte sue absencie pro nobis et dicto regno nostro causas racionabiles in iudicio aut extra judicium proponendi et allegandi, jurandi et si necesse fuerit appellandi, ac omnia alia et singula faciendi gerendi et exercendi que necessaria fuerint seu eciam oportuna, et que nos pro nobis et dicto regno nostro facere possemus si personaliter interessemus, nostram plenariam tenore presentium committimus potestatem. . . . In cuius rei testimonium has literas nostras sub magno sigillo nostro fieri fecimus patentes apud Edinburgh sexto die Decembris anno etc.'—(Copy, MS. Adv. Lib. W. 6.44.)

Compare the Chamberlain Rolls, vol. iii. pp. 323, 353.

In December 1433, Columba of Dunbar, bishop of Murray, was sent ambassador to Rome, probably on the same business.—(Rot. Scot. vol. ii. p. 284. Chamb. Rolls, vol. iii. p. 359.)

W. Croyser, archdeacon of Teviotdale, Papal Nuncio, etc., A.D. 1411-1453.

[1] William Croyser seems to have been one of three professors of philosophy and logic in the University of St. Andrews at its foundation in 1411. He went abroad in 1414, and ten years afterwards became one of the eight acolytes of Pope Martin V. He appears as Archdeacon of Teviotdale in 1428, when a question of jurisdiction between him and the Bishop of Glasgow, referred to the judgment of the Dean and Chapter, was decided against Croyser. He was of the Pope's household in the summer of 1429, when he had a safe-conduct through England, as well on his way to Scotland as on his return to Rome. He was again in Scotland in 1433 as a Nuncio of the Apostolic See; and having served the Papal citation on his Bishop, he again returned to Rome, where, in 1435, he was restored by the Pope to the benefices of which he had been deprived by the King and Parliament of Scotland. Four years afterwards he was once more commissioned to Scotland as Papal Nuncio, with power to absolve his old adversary the Bishop of Glasgow from the sentence of excommunication. He does not appear to have accomplished his mission until 1440, when he is found in possession of the archdeaconry of Lothian as well as of the archdeaconry of Teviotdale. In 1452, the question as to the jurisdiction of the archdeaconry of Teviotdale, so long in dispute between him and the Bishop of Glasgow, was again referred to the Dean and Chapter, who now gave judgment in favour of Croyser. Nothing more is known of him than that he went abroad next year.—(J. de Ford. Scotichron. lib. XV. cap. 22. Rot. Scot. vol. ii. pp. 209, 267, 281, 315-317, 372. Reg. Episc. Glasg. vol. ii. pp. 319, 320, 394-396. Raynald. Annal. Eccles. ann. 1436. §§ XXIX.-XXXI. vol. ix. pp. 228-231. Theiner, Mon. Vet. Hib. et Scot. pp. 373-375.)

should recognise the sentence which had passed against him.[1] At the end of a twelvemonth, the bull was issued anew ;[2] and three Cardinals, the Prior of St. Andrews, the Abbots of Kelso, of Melrose, and of Balmerino,

Scottish churchmen holding office in the Papal Court, A.D. 1385-1436.

The Archdeacon of Teviotdale was not the only Scottish churchman of that day who held office in the Papal court. One who accompanied him as Nuncio to Scotland in 1433—William Turnbull, afterwards Bishop of Glasgow, and founder of its University—was of the bedchamber of Pope Eugenius IV. In 1412, Thomas of Buttill, archdeacon of Galloway, was Auditor of Causes at the court of the Antipope Benedict XIII. In the same year Henry Wardlaw, bishop of St. Andrews, was Legate in Scotland of the same Pontiff. Walter Traill, chosen bishop of St. Andrews in 1385, was Referendary at the court of the Antipope Clement VII.—(Rot. Scot. vol. ii. p. 281. Rep. Scot. Univ. Comm. 1826-30 ; Evid. vol. iii. pp. 173, 174. Mart. Reliq. D. Andr. pp. 51, 230. Reg. Mag. Sig. lib. ii. no. 119. MS. Scotichron. lib. vi. cap. 46.)

Bull of Pope Eugenius IV. annulling the proceedings of the King and Parliament of Scotland against the Archdeacon of Teviotdale, 8th May 1435.

[1] 'Eugenius Episcopus etc. . . . Ad audientiam nostram . . . devenit quod dudum ad . . . Martini Pape Quinti predecessoris nostri noticiam fama deferente publica deducto, quod ad venerabilis fratris nostri Johannis episcopi Glasguensis, tunc regni Scocie Cancellarii, ac nonnullorum aliorum Prelatorum et claricorum, de consilio carissimi in Christo filii nostri Jacobi Scotorum Regis illustris, instigacionem et promocionem nonnulla minus rationabilia que evidenter in libertatis ecclesiastice lesionem et diminucionem, nec non auctoritatis Sedis Apostolice derogacionem tendebant, ordinaciones et statuta in prefato regno edita et facta ac publicata fuissent : Idem predecessor premissis, necnon ampliori illorum progressui salubriter obviare cupiens . . . Jordano Sabinensi, tunc Albanensi, et Petro Albanansi Episcopis, tunc tituli Sancti Stephani in Celiomonte presbitero Cardinali, commiserat ut eundem Johannem Episcopum ad comparendum personaliter coram eis super premissis responsurum . . . citarent . . . nec non citatione contra eundem Johannem Episcopum . . . decreta, dictus predecessor dilecto filio Willarmo Creyser archidiacono Theuidalie in ecclesia Glasguensi, familiari et accolito nostro, ut illam executioni debite demandaret . . . commisit, et propterea dictum Willermum suum et dicte Sedis Noncium specialem . . . ad diversas mundi partes et loca destinavit. . . . Et deinde prefatus Willermus dictam citacionem executioni debite demandatam coram eodem Johanne [*l.* Jordano] Episcopo et dilecto filio nostro Ludovico tituli Sancte Cecilie presbitero Cardinali in locum ipsius Petri Episcopi tunc a Romana Curia absentis deputato, legitime reproduxit ; propter que . . . dictus Johannes et nonnulli alii Prelati et clerici, inordinatis contra ipsum Willermum livoris et invidia materiis conceptis . . . prefatam Regem ac eius animum contra dictum Willermum ad indignacionem provocarunt, et per nonnullas citatorias ipsius Regis litteras eius sigillo munitas prefatus Willermus, tunc apud Sedem Apostolicam constitutus, et sub illius protectione existens, ad seculare et prohibitum iudicium, ut coram eodem Rege in suo, quod tunc de proximo celebrare, ut dicebat, intendebat Parliamento, ad audiendum se ipsius Regis inimicum rebellem et proditorem fore declarari, nec non lese maiestatis criminis conscium existere . . . citatus asseritur . . . Et subsequenter prefatus Rex quoscumque fructus . . . beneficiorum dicti Willermi in eodem regno auctoritate Regia sequestravit . . . Demum vero tempore Rex per suas litteras, nec non per medium quorumdam comitum procerum baronum et communitatum eundem Willermum in suo laicali consilio sibi rebellem proditorem ac suum et publicum dicti Regis hostem, et ut talis haberetur, declaravit . . . ac deinde fructus beneficiorum suorum . . . necnon omnia ipsius Willermi bona sequestrari . . . mandavit . . . Propter que dictus Willermus . . . ad Sedem Apostolicam appellavit . . . Nos igitur . . . litteras Regias predictas necnon processus desuper per eundem Regem seu de eius mandato . . . habitos . . . necnon excommunicationis suspensionis declarationis rebellionum et prodicionum ac privationis et interdicti sententias, fructuum sequestrationes, inhibitiones, prohibitiones et ordinationes contra prefatum Willermum in premissis promulgatas . . . Apostolica auctoritate . . . annullamus . . . Datum Florencie anno incarnacionis Dominice M.CCCC.XXXV. octavo Idus Maii pontificatus nostri anno quinto.'—(Theiner, Vet. Mon. Hib. et Scot. pp. 373-375.)

Cf. Raynald. Annal. Eccles. ann. 1436. § XXIX. vol. ix. pp. 228, 229.

[2] Raynald. Annal. Eccles. ann. 1436. § XXIX. vol. ix. p. 229.

were ordered to see to its execution.[1] The Pope had written to the King, a few weeks before,[2] denouncing certain of his bishops as 'Pilates

[1] 'Tum Nicolao tituli Sanctae Crucis in Jerusalem, Joanni tituli Sancti Petri ad Vincula presbyteris, ac Dominico Sanctae Mariae in Via Lata diacono Cardinalibus, tum abbatibus monasteriorum quibus Kelkou, Melros, Balmurynach, Sancti Andreae nomina erant indita, imperatam, ut quae in lata ea sententia continebantur perficerent.'—(Raynald. Annal. Eccles. ann. 1436. § xxx. vol. ix. p. 229.)

Letter of Pope Eugenius IV. to King James I. adjuring him to revoke the statutes passed in Scotland against the liberty of the Church and the authority of the Apostolic See, 24 April 1436.

[2] '[Eugenius Episcopus etc.] charissimo in Christo filio nostro Jacobo Regi Scotorum illustri salutem. . . . Licet dilectus filius Guillelmus Creyser archidiaconus Theuidaliae in ecclesia Glasguensi acolythus noster . . . ecclesiasticam libertatem et jurisdictionem Sedis Apostolicae adversus quorundam ecclesiasticorum temerariam audaciam, qui praedictam libertatem et jurisdictionem per nonnullas ordinationes processus et statuta in tuo regno edita oppugnare conabantur, de eiusdem Sedis expresso mandato, omnibus modis et viribus ferventissime prosecutus fuerit . . . gravissimis laboribus et expensis, et propterea praeter aeternae . . . retributionis praemium, varias exemptionum a quacumque jurisdictione ordinaria et alias gratias . . . susceperit, potius sperans . . . quod tua Regia Serenitas in prosecutione hujusmodi ob timorem Dei et Sedis Apostolicae reverentiam tamquam Catholicus Princeps ejus ministerio gratiosis favoribus concurreret, quam ullam adversus eundem Guillelmum indignationis asperitatem conciperet: tamen nonnulli praelati et clerici Christiani nominis, ut apparet, inimici, potius tyranni quam Christiani, potius Pilati quam praelati, velati tortuosi colubri ecclesiasticae libertatis latera corrodere molientes, de vanitate in id ipsum convenientes, quorum non est spiritus cum Domino creditus (inter quos Joannes episcopus Glasguensis, de cujus persona felicis recordationis Martinus Papa v. ecclesiae Glasguensi tam clementer providit, ipsumque qui de hoc aliisque variis enormibus criminibus et excessibus notatus extitit, et quod deinceps nihil contra libertatem ecclesiasticam procuraret, immo illam promoveret data fide promisit, dictae ecclesiae Glasguensi, benigne ac piissime secum agendo, praefecit in episcopum et pastorem, praecipuus et singularis extitit) tam salubre ministerium impedire cupientes, plerisque sinistris et perversis machinationibus fraudibus dolis deceptionibus circumventionibus et detestabilibus ac falsis suggestionibus te ad offensam iram et indignationem adversus praefatum Guillelmum exacerbarunt, et, eis efficientibus et procurantibus, indignationis animum ac iracundiae spiritum contra ipsum Guillelmum gessisti, eumque regni tui proditorem et conspiratorem et laesae majestatis criminis conscium (quod dolenter audivimus) diceris declarasse, ac suorum beneficiorum ecclesiasticorum fructus sequestrasse . . . O generatio prava . . . quae tam nobilem Principem et virtuosum animum viperinis versutiis circumdaxit! . . . Hic Guillelmus, qui nunquam contra statum tuum Regium aut tui regni, aut unde Celsitudo tua Regia merito offendi possit, prosecutus est seu promovit, sed semper cum omnibus veneratione et reverentia nobilitatem tuam honoravit et coluit, ad praelatorum et clericorum, contra eum calcaneum levantium, execrabilem detractionem, conspirator et proditor innocenter condemnatur. Velis igitur, fili charissime, indignationis animum ab ipso Guillelmo insonte benigne avertere, ipsumque amplecti visceribus Regiae charitatis, statuta et ordinationes contra libertatem et jurisdictionem edita hujusmodi ad Dei laudem et gloriam, prout teneris, reformare tollere et cassare; placeatque, Rex inclyte, pro Regis Aeterni gloria dictum Guillelmum clericali sorti ascriptum de praemissis suscipere penitus excusatum; ait enim ille propheta David: *Nolite tangere Christos meos, et in prophetis meis nolite malignari.* Recenseat Majestas Regia praefatum Guillelmum a duodecim annis citra fuisse et esse Romani Pontificis acolythum, et quomodo Sedes Apostolica illum tamdia toleraret, qui de proditionis scelere notaretur? Haec omnia tuae Celsitudini de venerabilium fratrum nostrorum Sanctae Romanae Ecclesiae Cardinalium consilio et assensu significare decrevimus, ut circa praemissa Episcopo et praelatis non velis fidem adhibere aliquam . . . Serenitatem igitur Regiam requirimus in Domino, et per aspersionem sanguinis Salvatoris nostri hortamur, et in remissionem peccatorum injungimus, quatenus statuta et ordinationes hujusmodi necnon omnes et singulares literas Regias et declarationes quae super praemissis et eorum occasione quomodolibet emanarunt, ac quaecumque inde secuta, casses irrites et annulles, quae nos etiam, in quantum opus est, tenore

rather than Prelates,' and entreating him in the Lord, exhorting him by the blood of the Saviour, charging him by his hopes of forgiveness, to revoke the obnoxious statutes and ordinances, and to restore Croyser to his offices and possessions. To this admonition a threat of excommunication and interdict was now added.[1]

The King of Scots sends ambassadors to Rome to request that a Legate may visit Scotland: the Pope commissions the Bishop of Urbino, A.D. 1436.

If not prepared to yield, the King of Scots seems to have thought it prudent at least to temporize; and the Bishop of Glasgow and the Abbot of Arbroath were despatched to Rome with a request that a Legate might be commissioned to Scotland.[2] The Pope, after some delay, complied with the request; and in the summer of 1436, Anthony de Santo Vito, newly chosen bishop of Urbino, took his departure for the Scottish court.[3] The

praesentium revocamus cassamus irritamus et annullamus . . . ipsumque Guillelmum ad honores dignitates famam officia et beneficia quaecumque in statum pristinum, in quo antequam praemissa fierent seu aliquid exinde fieret quomodolibet erat, restituas et reponas . . . Sic igitur Celsitudo Regia eundem Guillelmum pro nostra et Sedis Apostolicae reverentia Regiis favoribus et gratia prosequatur, quod exinde praeter humanae laudis praeconium nostram et dictae Sedis gratiam et benedictionem uberius prosequi, et cum benedictis Dei filiis a dextris collocari in aeterna requie, mereatur. Datum Florentiae anno incarnationis Domini MCDXXXVI. iv. Non. Aprilis pontificatus nostri anno VI.'—(Raynald. Annal. Eccles. ann. 1436. §§ XXX. XXXI. vol. ix. pp. 229-231.)

The Pope threatens the King of Scots with excommunication and interdict, A.D. 1436.

[1] 'Ut . . . Regi Jacobo objectis anathemate et sacrorum in Scotia justitio denuntiarent, ne Apostolicum Nuntium quem regni hostem temere renuntiarat, exagitaret.'—(Raynald. Annal. Eccles. ann. 1436. § XXX. vol. ix. p. 229.)

[2] Rot. Scot. vol. ii. pp. 281, 284, 286. Raynald. Annal. Eccles. ann. 1436. § XXXI. vol. ix. p. 231. Theiner, Vet. Mon. Hib. et Scot. p. 375.

Rescript of Pope Eugenius IV. appointing Anthony de Santo Vito, bishop of Urbino, to be Papal Legate in Scotland, 10th July 1436.

[3] '[Eugenius Episcopus, etc.] charissimo in Christo filio Jacobo Regi Scotiae illustri [salutem]. Dudum, sicut decet bonum principem et devotum, per venerabilem fratrem nostrum Joannem episcopum Glasguensem et dilectum filium Walterum abbatem monasterii Sancti Thomae de Abirbrothoc dioecesis Sancti Andreae oratores tuos petivisti a nobis, ut pro reformatione ecclesiarum et status ecclesiastici regni tui vellemus mittere aliquem Legatum ad ipsum regnum, qui Dei gratia mediante emendaret corrigeret et provideret, prout pro augmento divini cultus, morum ecclesiasticorum reformatione, proque salute et pace animarum, et statu regni expedire videretur. Nos igitur, quamvis id summo desiderio affectaremus, tamen propter varia impedimenta et malitiam temporum quae mentem nostram variis casibus distraxerunt nequivimus cito providere juxta voluntatem et desiderium cordis nostri, nunc autem data facultate, attendentes curam in spiritualibus tui regni ad nos et Romanum Pontificem tum ob debitum oneris Pontificalis tum specialiter jure Metropolitico pertinere, venerabilem fratrem nostrum Antonium episcopum Urbinatem, virum utique scientiae claritate ac virtutum splendore morumque elegantia refulgentem, nostrum et Apostolicae Sedis Nuntium ad ipsum regnum duximus destinandum, sperantes quod ipse gratia cooperante divina omnia aget et operabitur quae cedant ad laudem Dei et ecclesiae suae sanctae, ad utilitatem status ecclesiastici, animarum salutem, honorem et laudem tui regni. . . . Datum Bononiae [anno incarnationis Dominicae millesimo quadringentesimo tricesimo sexto, VI. Idus Julii, pontificatus nostri anno sexto].'—(Raynald. Annal. Eccles. ann. 1436. § XXXI. vol. ix. p. 231.)

'Romana sedes singulare jus Metropoliticum in Scotiam obtinet.'—(*Raynald.*)

The Legate carried letters commendatory to the Scottish Queen (Joan of Beaufort), and to the King's Council.—(Id. § XXXII.)

Cf. Ughelli, Italia Sacra, vol. ii. p. 792. edit. Venet. 1717: 'Sexto autem Idus Quintilis proxime insequentis [A.D. 1436], pro restituenda ecclesiastica disciplina, aliisque longe gravissimis componendis

Pontiff ordered the costs of his journey, a thousand ducats, to be advanced by the Scottish King's ambassadors, empowering them to recover the amount from the Scottish clergy.[1] The Legate, passing through England,[2] crossed the Tweed before Christmas. A day seems to have been fixed for his meeting the King and the clergy in a Parliament at Perth; but it was postponed, and before another was appointed, the King's murder plunged the kingdom into such confusion that the Legate seems to have quitted Scotland without accomplishing his mission.[3] Its main

rebus, in Scotiam, ad Jacobum Regem, cum amplissima decernendi potestate ab eodem Pontifice [Eugenio IV.] legatus est. Difficillimis Scotiae rebus inopioata Jacobi Regis nece magis magisque perturbatis, rite compositis, ad Anglorum Regem, Ducemque Burgundiae, dirigitur.'

Brief of Pope Eugenios IV. empowering the Bishop of Glasgow and the Abbot of Arbroath to recover from the Scottish clergy 1000 ducats advanced by the Bishop and the Abbot for the expenses of the Papal Legate to Scotland, 10th July 1436.

[1] 'Eugenius Episcopus etc. Venerabili fratri Johanni episcopo Glasguensi et dilecto filio Waltero abbati Sancti Thome martiris de Aberbrothoc . . . salutem etc. Cum de nostro mandato dari et numerari feceritis venerabili fratri Antooio episcopo Urbinati, deputato in regno Scocie Sedis Apostolice Nuntio, ducatos mille de Camera pro expensis quas illum in accedendo ad dictam nunciacionem subire oportebit: Nos volentes indempnitati vestre providere, et ne quod ad totius regni et cleri illius utilitatem redundet vestris amborum expensis fiat, vobis, quamprimum visitacio et reformacio ad qoas predictus Nuncius mittitur, expedite erunt, imponendi Clero regni antedicti et ab eo modis debitis, sive per formam procuracionum sive per formam caritativi subsidii, predictos mille ducatos etiam per censuram ecclesiasticam et alia iuris remedia exigendi et recuperandi plenariam tenore presentium auctoritate Apostolica concedimus facultatem. Datum Bononie anno incarnationis Dominice millesimo quadringentesimo tricesimosexto, sexto Idus Julii, pontificatus nostri anno sexto.'—(Theiner, Vet. Mon. Hib. et. Scot. p. 375.)

[2] He had letters of safe-conduct from King Henry VI. on the 22d of November 1436.—(Rot. Scot. vol. ii. p. 296.)

Papal Legate in Scotland, A.D. 1436-7.

[3] 'Eodem anno Legatus Domini Eogenii Papae in Scotiam intravit, paulo ante festum Natalis Domini, Episcopus videlicet Urbinatensis, admissus per Regem et clerum apud Perth ad habendum audientiam in Parliamento inchoaodo quarto die Februarii. Sed propter infortunium inopinatae mortis Regis, qua preventus fuit, officium Legationis non exercuit, sed dolorosus ultra credi possit recessit. . . . Postquam Rex de obsidio de Roxburghe reversus est, et Parliamentum suum ad audientiam Legato Summi Pontificis dandam apud Perth constituit, intravit Sathanas in corda proditorum quorundam, ejus mortem . . . machinantium. Hanc etiam persecutionem propter justitiam passus est; quod videns Legatus Papae, qui iofra octabas praecedentes eum a poena et culpa absolverat, cum lachrymosis suspiriis, emissa voce magna, et ejus vulnera osculando lachrymabilia, coram omnibus astantibus dixit, quod ipse in periculo animae suae caperet quod ipse in statu gratiae, pro defensione reipublicae et executione justitiae, tanquam martyr defunctus est.'—(Chron. Jacobi I. Reg. Scot. pp. 15, 27, 29. Mait. Club: 1837.)

Supposed Provincial Council at Perth, 4th Feb. 1436-7.

Lord Hailes, Mr. Grub, and others, misled by a passage in the Scotichronicon, concluded that the Nuncio met the King and clergy in a Provincial Council at Perth: 'Eodem anno Legatus Domini Papae Eugenii Intravit regnum, ante festum Natalis Domini, vocatus Aotoninus episcopus Urbinatensis, et admissus per Regem et clerum in Concilio Generali, apud villam de Perth inchoato, quarto die Februarii: sed, propter praeventam mortem Regis, sequenti principio Quadragesimae secutam, nihil Legationis exercuit.'—(J. de Ford. Scotichron. lib. xvi. cap. 26.)

Letter of Pope Eugenius IV. to his Legate in Scotland, on the murder of King James I., A.D. 1436-7.

The continuator of Baronius gives the letter which the Pope addressed to the Legate on hearing of the murder of the Scottish King: '[Eugenius Episcopus, etc.] venerabili fratri Antonio episcopo Urbinati in regno Scotiae Apostolicae Sedis Legato. Recepimus nuper tuas literas quibus nobis significasti te pervenisse in regnum Scotiae benigneque et cum honore receptum a Regia Serenitate et a praelatis ac dominis regni,

object, no doubt, was a compromise of the controversy regarding the ordinances of the Scottish legislature on Church affairs, the proceedings of the Papal Court against the Bishop of Glasgow, the proceedings of the Scottish Parliament against the Archdeacon of Teviotdale.[1] But there were other ecclesiastical matters calling for reform in Scotland, and the King was a vigorous reformer not less in the church than in the state.[2] He sent representatives—two bishops, two abbots, two secular priests, two friars—to the great reforming council of Basle.[3] He ad-

Ecclesiastical reforms of King James I.

sicut decet Sedis Apostolicae Legatum, de qua re admodum consolati fuimus propter devotionem ostensam per eos erga nos et Apostolicam Sedem. Verum postea (quod non absque horrore referimus) audivimus infaustum casum clarae memoriae Regis et admodum miserandum, in quo plurimum conturbati sumus, et summe doluimus hunc deplorandum casum, tum propter salutem animarum et Regis et eorum qui tam infandum scelus commiserunt, tum propter affectionem singularem quam gerimus ad regnum praefatum et ad Regem veluti praecipuum filium gerebamus. Verum quoniam facta infecta esse non possunt, providendum est ut quam minimo malo ex hac gravi percussione regnum afficiatur. Idcirco volumus et injungimus tibi ut coneris cum authoritate Sedis Apostolicae, juxta prudentiam tibi a Deo concessam omnia agere et procurare, quae spectent ad pacem et concordiam et bonum statum ac tranquillum regni et dilecti filii nati ipsius Regis, interponendo circa hoc omnem solicitudinem et diligentiam tuam atque exhortando praelatos barones et alios, prout utilitas et salus illius regni videbitur postulare, ad pacem et charitatem. Deinde vero cures ut illa propter quae te destinavimus, Deo authore perficiantur; ea sunt, ut ea agas statuas et ordines quae ad incrementum fidei, augmentum religionis Christianae, statum et tranquillitatem regni et ecclesiarum ejus, ac morum ecclesiasticorum reformationem et animarum salutem illarum partium, spectare videbuntur, ita ut fructus laudabilis et Deo acceptus quem semper optavimus ex tuo opere ac laboribus consequatur. Datum Bononiae etc.'—(Raynald. Annal. Eccles. ann. 1436. § XXXII. vol. ix. pp. 231, 232.)

The Bishop of Glasgow is reconciled to Rome, A.D. 1439.

[1] The last time that we hear of the business is at the close of the year 1439, when Croyser is sent as Nuncio to Scotland to absolve the Bishop of Glasgow—no longer Chancellor of the realm—from the censures with which the Church had visited him: 'Ab omnibus . . . excommunicationum suspensionum et interdicti ac aliis sententiis censuris et penis per ipsum Episcopum hactenus ex quacumque causa etiam per contemptum mandatorum Apostolicorum vel alias quomodocumque contractis . . . necnon super irregularitate [si] quam huiusmodi sententiis ligatus divina non tamen in contemptum clavium celebrando officia . . . contra[xisset].'—(Theiner, Mon. Vet. Hib. et Scot. p. 375.)

[2] The Prior of St. Colm's Inch bears witness to the King's zeal and prudence in reforming the Church: 'Nam pro acquirendis vel tuendis religiosorum aliorumque subditorum et liegiorum necessariis, utrobique infra regnum causa exigente in propria persona ipsorum loca sive monasteria frequentius adibat, et pace inibi reformata divertit se ad alia quae reipublicae utilitati ingruerant convenientia. Omnes ecclesias et religiosorum ordines, pro qualitate viventium, videbatur aequaliter diligere et fovere, religiosas personas et eorum vitam religiosam, ut audivit, collaudans. Et, siqua forte minus laudanda inter eos inveniens, charitative et seorsum arguens et verecunde dissimulans placide non pertulit, donec qualicunque via accommoda ad normam vivendi inflecterentur. Igitur, ut omnia ordinate inter religiosos agerentur, postquam de captivitate ad propria est reversus, audito quod religiosi sui regni abutebantur tenere sua Capitula Generalia, prout de jure communi et etiam de facto in Anglia observatur, dolore quodam saucio tactus intrinsecus, et religioso zelo inductus, scripsit suam literam omnibus praelatis ordinum Benedicti et Augustini, quos infra regnum specialiter tangit hujusmodi observantia, regaliter et charitative.'—(J. de Ford. Scotichron. lib. xvi. cap. xxxi.) Cf. H. Boet. Scot. Hist. lib. xvi. fol. 342. edit. 1575.

[3] Pp. 247, 248, 284.

dressed a remarkable letter to the Bishop of St. Andrews, commanding him to take instant measures for recovering the possessions of which his see had been robbed by the greed and the nepotism of his predecessors.[1] James addressed a still more remarkable letter to the abbots and priors of the Benedictine and Augustinian monasteries in Scotland, exhorting them, in the bowels of the Lord Jesus Christ, to shake off their torpor and sloth and set themselves to work to restore their fallen discipline

Letter of King James I. to the Bishop of St. Andrews, for recovery of the property of his see, 8th June 1425.

[1] 'Jacobus Dei gracia Rex Scotorum, reuerendo in Christo patri Henrico episcopo Sanctiandree, Salutem. Feruor caritatis deuocionis zelus ac cordis affectus desiderabilis nos inducunt vt omnium ecclesiarum regni nostri et signanter Beati Andree Apostoli, cui presulari dignitate Dei [et] Apostolice Sedis gracia presidetis, diligenter et sollicite vtilitatibus intendamus, et vos ad tam diligentem vigilanciam excitemus quod ea, que predecessorum vestrorum temporibus in dampnum et dispendium ecclesie Sancti Andree sponse vestre extiterant male gesta, ad Dei laudem et ipsius ecclesie vtilitatem et commodum per vestras circumspectionem et solerciam nostro cooperante auxilio reformentur. Cum itaque concepimus quod quidam vestri predecessores, qui nichil ex proprio Deo contulerant, Dei Omnipotentis indignacionem minime formidantes, nonnullas ecclesie Sanctiandree possessiones, eidem ecclesie propter diuini cultus et eius obsequii augmentum ac statue prelatorum eiusdem honorifice sustinendos, ex preclarissimorum principum Regum Scocie nostrorum progenitorum deuocione pro suarum ac antecessorum et successorum suorum salute animarum collatas, amore pecunie uel horrende cupiditatis impulsu seu carnalium affectionum seducta, in ipsius ecclesie graue preiudicium et contra eorundem predecessorum vestrorum honorem, titulo alienacionis irrationabiliter distraxerunt, quod dicta ecclesia vestra sponsa quam propter eius prerogatiuam dicti nostri progenitores ipsius d[o]tatores voluerunt ex suis deuotione et elimosinis in facultatibus plus ceteris regni ecclesiis habundare, nunc in suis [ita] sit dampnificata facultatibus et antiquis possessionibus magnaliter diminuta [quod eiusdem prelati suum honorifice ecclesie statum queant minime sustentare]: Cumque valde sit iniquum ea que per principes Cristianos pro suorum remedio peccatorum venerabilibus ecclesiis sunt collata [aliis] quibusuis humanis vsibus applicari, ac possessiones ecclesie per antecessores irrationabiliter distributas conueniat successoris prouidencia reuocari, vobis . . . mandamus quatinus omnes . . . alienaciones quarumcunque terrarum ecclesiarum et possessionum dicte ecclesie Sanctiandree immobilium per quoscumque predecessores vestros irrationabiliter et iniuste factas ad jus et proprietatem eiusdem reuocare cum effectu et cum omni celeritate possibili reducere studeatis, earundem possessionum detentores et occupatores iniustos ad restitucionem earundem per censuram ecclesiasticam compellentes. Nosque vniuersis . . . justiciariis vicecomitibus balliuis ceterisque officialibus nostris . . . mandamus quatinus vobis . . . in premissis . . . impendant assistenciam . . . prout nostram indignacionem voluerint euitare . . . Datum sub testimonio nostri magni sigilli apud Edynburgh octano die mensis Junii anno Domini millesimo quadringentesimo vicesimoquinto et regni nostri vicesimo.'—(Reg. Mag. Sig. lib. ii. no. 29. MS. Reg. House.)

Did King James I. call King David I. a sore saint for the Crown?

If the writer of this letter—the writer of the memorable letter to the heads of the Benedictine and Augustinian abbeys—the founder of the sumptuous monastery of the Carthusians at Perth—inveighed against King David I. as a sore saint to the crown, it can scarcely have been in the generally received sense. The story, first told by John Mair, nearly a century after the King's death, is then told only as a report: 'Jacobus Primus, cum ad ejus sepulturam devenisset, dixisse fertur, *Maneas illic, Rex pientissime, sed reipublicae Scoticae et Regibus inutilis*: volens dicere, quod nimis de proventibus regiis diminuebat, pro opulentissimis coenobiis extruendis. Et ejusdem sententiae sum ego ipse,' etc.—(De Gest. Scot. lib. iii. cap. 11; lib. vi. cap. 12.) The anecdote has no place in the pages of Boece, nor in Stewart's metrical version of his work, but it is interpolated from Mair in the prose translation by the Archdeacon of Murray: 'The wise prince, King James the First,

and rekindle their decaying fervour, that so they might save their houses from the ruin which menaced them.[1]

quhen he com to Davidis sepulture at Dunfermeling, said: *He was ane soir sanct for the Crown*: as he wald mene, that King David left the Kirk ouir riche, and the Crown ouir pure.'—(Bellend. Hist. and Chron. of Scot. book xii. chap. 17. vol. ii. p. 300. edit. 1821.)

In the year 1464, King James III. wrote to the Bishop of Brechin almost in the same words in which his grandfather King James I. had written to the Bishop of St. Andrews, in the year 1425. —(Reg. Episc. Brechin. vol. ii. pp. 100-102.)

Letter from King James I. to the Abbots and Priors of the Scottish monasteries of the orders of St. Benedict and St. Augustine, 17 Mar. 1424-5.

[1] 'Jacobus Dei gracia Rex Scotorum, venerabilibus in Christo patribus Abbatibus et Prioribus ordinum et regularum Sanctorum Benedicti et Augustini, salutem, et ad perfectionis sublimiora conscendere incrementa. Casus proclinior minaciorque ruina sacre religionis, a primeua sue instytucionis fundacione indies declinantis, sollicitare nos compelluat ut vestros torpentes animos et sompnolencie sue ignauiam acrius excitemus. Proinde expergisci vos conuenit et ad cor reducere, qualiter in regno nostro monastice religionis perfectio quam maxime remissa, prelatura ad exterminium tendit, vbilibet deffamata in obprobrium reducta; quasi olim mater Jerusalem a degeneribus filiis contempta et ab ignobilibus patribus repudiata, et ipsa nimirum, quod dolenter referimus, amaritudine repressa ad terram sapina prosternitur prostituta. Contra cuius miserandam ymmo miserabilem iacturam clamat in aures Domini Filia Sabaoth Sancta Syonis Ecclesia, quod angelico respectu nitens olim eius regularis disciplina, terribilis ut castrorum acies ordinata, sui nobis aufert ymaginem per dissolucionis patres et indisciplinatos filios, eo quod vestris perniciosis opere et exemplo, squalida nimis et compassione digna, contumeliis affecta relinquitur et afflicta. Ob igitur hec et propter premissa nostri animi sauciatis precordiis et dolore cordis tacti intrinsecus, cupientes summopere quantocius premissa reformari, vestras religiosas paternitates, in visceribus Ihesu Christi exhortando, requirimus et monemus, quatenus excusacionibus in peccatis et dilacionibus quibuscunque semotis, ad reformacionem huiusmodi vestre sacre religionis, nimium ut premisimus collapse, loco et tempore congruis, conuenire studeatis, et, diligenti consideracione ac maturo tractatu adhibitis, vias accomodas secundum Deum reperire procuretis, precipue in Capitulis Generalibus celebrandis, quemadmodum ad suum statum pristinum religionis feruor valeat facilius respirare; ne ob vestre incuriam desidie, regalis munificencia, que olim pro conseruacione sui et subditorum salute, vestra monasteria priscis temporibus notabiliter dotauit nobiliterque ditauit, peniteat se muros marmoreos erexisse cum perpenderit vos religiosos mores tam impudenter amisisse. Itaque viriliter exurgat aduersus hanc ignominiosam pestem sancta seueritas, et feruore spiritus amplius concepto, rigor disciplinalis omnes huiusmodi occasiones amputet dissolucionis, attendentes quod, ubi gubernaculum discipline contempnitur, nichil superest nisi quod religio naufragetur. Nos igitur, attentos vos reddere volentes, intendimus dum premissis studueritis operam impendere, vosque facta vestra secundum Deum per omnia regali munimine dirigere et defensare; contradictores si qui forte fuerint in quantum tenemur compescere et propulsare; vos eciam tales oratores qui pro nostro regio statu intercedant, habere gaudebimus; quibus certe regni nostri prosperabuntur honor et profectus. Vestras Paternitates inspiret Altissimus ad vestre religionis cultus et secundum Deum successus prosperos et votiuos. Datum sub testimonio sigilli nostri priuati in Parliamento nostro apud Perth xvij mensis Marcij, anno regni nostri xixo.'—(Act. Parl. Scot. vol. ii. pp. 25, 26.)

Corruption of the monastic orders in Scotland, A.D. 1425-1533.

This exhortation shows that the corruption of the religious orders in Scotland was already general in the year 1425. The Archdeacon of Murray, writing in the year 1533, seems disposed to mark the year 1463 as the date when 'evil prelatis' began 'to rage in maist insolent and corruppit life.' The Bishop of Ross, writing in the year 1571, fixes the year 1473 as the time when 'the abbayis come to secular abusis, the abbottis and pryouris being promovit furth of the court, quha levit courtlyk, seculatlye, and voluptuoslye: and than ceissit all religious and godlye myndis and dedis, quhairwith the secularis and temporall men beand sklanderit with thair evill example, fell fra all devocioun and godlynes to the warkis of wikednes, quhairof daylie mekill evill did increase.'—(Bellend. Hist. and Chron. of Scot. book xii. chap. 17. Lesl. Hist. of Scot. pp. 39, 40.)

So also the Principal of the King's College at

Mission of Aeneas Sylvius, afterwards Pope Pius II., to King James I., Dec. 1435.

The Bishop of Urbino was not the only nor the most distinguished ecclesiastical envoy who sought the court of King James the First. In the winter of 1435, one who was afterwards raised to the chair of St. Peter—Aeneas Sylvius Piccolomini, then a youth of thirty—was despatched to Scotland, by the Cardinal of Santa Croce, whose secretary he was, to procure the restoration of a certain prelate to the favour of the King of Scots.[1] The Italian fortunately is himself the historian of his mission.[2] Denied a passport through England, he took shipping

Aberdeen contrasts the clergy of his own degenerate days (he wrote in 1526) with the clergy of the better age of King James I.: 'Quantum vero haec nostra aetas ab illa frigeat? . . . vbi pro optimis ac eruditissimis viris, qui tum ex omni orbe terrarum perquirebantur, paulatim ignauissimi quique ac sceleratissimi homines ad doctorum praemia subrepserunt, magistratus sacros et vrbanos per summam ambitionem occupantes, populum ambesum deglutientes deuorantesque, nihil reliqui bonis et dignis viris facientes: imo ingenti nisu omnibus literis obsistentes, ne si populus meliora sapere incipiat, vitia sua in apertum prodita deserere cogantur, ac praedas suas e manibus amittant. Ea vt emendentur, viderunt illi, quorum interest curare: me dolor iustus atque pia commiseratio vt monerem huc arripuit.'—(H. Boet. Scot. Hist. lib. xvi. fol. 342.)

[1] The Cardinal of Santa Croce who sent Aeneas Sylvius to Scotland in the winter of 1435, was one of three Cardinals charged with the execution of the Pope's brief in the affair of the Bishop of Glasgow and the Archdeacon of Teviotdale, in the spring of 1436. The mission of Aeneas Sylvius may possibly have been on the same business.

Aeneas Sylvius' relation of his embassy to Scotland, A.D. 1435.

[2] 'Prius autem quam Philippus [Burgundorum Dux] ab Anglicis deficeret, [Nicolaus] Cardinalis [Sanctae Crucis] Aeneam in Scotiam misit, qui praelatum quendam in Regis gratiam reduceret . . . At cum venisset Aeneas ad [Henricum] Regem Angliae, litterasque peteret, quibus in Scotiam tutus iret, retrocedere iussus est, timentibus Anglicis ne apud Regem Scotiae hostem suum contra se aliquid moliretur, quem constabat Cardinalis Sanctae Crucis esse secretarium . . . Remenso igitur mari, ad oppidum quod Bruggis vocant se contulit, atque inde Clusas petiit, vbi portus est totius Occidentis frequentissimus: vbi nauem ingressus, dum Scotiam petit, in Noruegiam propellitur, duabus maximis iactatus tempestatibus, quarum altera quatuordecim horas mortis metum incussit, altera duabus noctibus et vna die nauim concussit atque in fundo perfregit, adeoque in Oceanum et septentrionem nauis excurrit, vt nulla iam coeli signa nautae cognoscentes spem omnem salutis amitterent; sed affuit diuina pietas quae suscitatis aquilonibus nauim ad continentem repulit, ac duodecimo tandem die terram Scoticam patefecit: vbi apprehenso portu Aeneas ex voto decem millia passuum ad Beatam Virginem, quam de Alba Ecclesia vocitant, nudis pedibus profectus, cum illic horis duabus quieuisset, assurgens moueri loco non poterat, debilitatis atque obstupefactis hiemali frigore pedibus. Saluti fuit nihil edendum illic inuenisse, atque in aliud rus migrandum fuisse: quo dum famulorum ope magis portatur, quam ducitur, pedetentim terram quatiens calefactis pedibus ex insperato sanitate recepta ambulare occepit. Ad Regis denique praesentiam intromissus, nihil non impetrauit ex his quae petitum venerat; sumptus ei viarum restituti sunt, et in reditum quinquaginta nobilia, ac duo equi quos gradarios appellant, dono dati.

'De Scotia haec relatu digna inuenit. Insulam esse Angliae coniunctam, in septentrionem portentam ducenta millia passuum longitudinis, quinquaginta latitudinis habentem, terram frigidam, paucarum frugum feracem, magna ex parte arboribus carentem: subterraneum ibi esse lapidem sulphureum, quem ignis causa defodiunt: ciuitates nullos habere muros, domos magna ex parte sine calce constructas, villarum tecta de cespitibus facta, hostia rusticana corio boum claudi: vulgus pauper et incultum, carnes et pisces ad saturitatem, panem pro obsonio comedere: viros statura paruos et audaces, feminas albas et venustas

at Sluys, then the busiest port of the Low Countries. Two terrible storms—one of fourteen hours, the other of two nights and a day,—drove the vessel so far to the north that the sailors did not know the stars, and it was not until all hope had been given up, that the wind changed, and they made the Firth of Forth, after being twelve days at sea. Aeneas in

atque in venerem procliues: basiationes feminarum minoris illic esse, quam manus in Italia tractationes: vinum non haberi nisi importatum: equos natura gradarios omnes paruique corporis inueniri, paucis pro semine seruatis reliquos castrari solitos, neque fricari equos ferro, aut ligno pecti, neque fraenis regi: ostrea illic maiora quam in Anglia reperiri: ex Scotia in Flandriam corium, lanam, pisces salsos, margaritasque ferri: nihil Scotos audire libentius quam vituperationes Anglorum: Scotiam duplicem dici, alteram cultam, alteram siluestrem, agro carentem: siluestres Scotos lingua vti diuersa, et arborum cortices nonnunquam habere pro cibo: in Scotia non inueniri lupos: cornicem nouam esse, atque idcirco arborem, in qua nidificauerit, regio fisco cedere: hiemali solstitio (tunc enim illic fuit) diem non vltra quatuor horas in Scotia portendi.

¹ Peractis rebus cum redeundum esset, e vestigio magister nauis qui eum vexerat, ad Aeneam accedens locum redeunti in naui obtulit quem prius habuerat: cui Aeneas, non tam futuri praescius quam praeteriti periculi memor, *Si frustra Neptunum*, inquit, *accusat, qui bis periculum incidit, quid in eum dicere oportet, qui tertio naufragium patitur? hominum ego quam maris experiri misericordiam malo:* dimissoque nauta iter sibi per Angliam delegit. Nec mora, soluens a portu, nauis in conspectu omnium tempestate vexata collisa et submersa est, magistro, qui rediturus in Flandriam nuptias cum noua sponsa celebraturus erat, et omnibus aliis voragine maris absorptis, praeter quatuor qui arreptis quibusdam tabulis nantes euasere. Tunc se diuino nutu beneficioque seruatum Aeneas intelligens, dissimulato habitu sub specie mercatoris per Scotiam transiuit in Angliam. Fluuius est qui ex alto monte diffusus vtramque terram disterminat: hunc cum nauigio transmeasset, atque in villam magnam circa solis occasum declinasset, in domum rusticanam descendit, atque ibi coenam cum sacerdote loci et hospite fecit: multa ibi pulmentaria, et gallinae, et anseres afferebantur in esum, sed neque vini neque panis quicquam aderat, et omnes tum feminae virique villae, quasi ad rem nouam accurrerant: atque vt nostri vel Aethiopes vel Indos mirari solent, sic Aeneam stupentes intuebantur, quaerentes ex sacerdote cuias esset, quidnam facturus venisset, Christianam ne fidem saperet. Edoctus autem Aeneas itineris defectum, apud monasterium quoddam panes aliquot et vini rubei metretam receperat, quibus expositis maior admiratio barbaros tenuit, qui neque vinum neque panem album viderant. Appropinquabant autem mensae pregnantes feminae earumque viri, attrectantes panem et vinum odorantes portionem petebant, inter quos totum erogare necessum fuit. Cumque in secundam noctis horam coena protraheretur, sacerdos et hospes cum liberis virisque omnibus Aenea dimisso abire festinantes, dixerunt se ad turrim quandam longo spatio remotam metu Scotorum fugere, qui fluuio maris refluxu decrescente noctu transire praedarique soleant, neque secum Aeneam multis orantem precibus quoquo pacto adducere voluerunt, neque feminarum quampiam, quamuis adolescentulae et matronae formosae complures essent: nihil enim his mali facturos hostes credunt, qui stuprum inter mala non ducunt. Mansit ergo illic solus Aeneas cum duobus famulis, et vno itineris duce inter centum feminas, quae corona facta medium claudentes ignem, cannabumque mundantes noctem insomnem ducebant, plurimaque cum interprete fabulabantur. Postquam autem multum noctis transierat, latrantibus canibus et anseribus strepentibus ingens clamor factus est: tumque omnes feminae in diuersum prolapsae, dux quoque itineris diffugit, et quasi hostes adessent, omnia tumultu completa. At Aeneae potior sententia visa est in cubiculo, id enim stabulum fuit, rei euentum expectare, ne si foras curreret ignarus itineris, cui primum obuiasset, ei se praedam daret: nec mora, reuersae mulieres cum interprete nihil mali esse nuntiant, atque amicos, non hostes venisse. Qui vbi dies illuxit, itineri se commisit atque ad Nouum Castellum peruenit, quod Caesaris opus dicunt: ibi primum figuram orbis, et habitabilem terrae faciem visus est reuisere: nam terra Scotiae, et Angliae pars vicina Scotis, nihil simile nostrae

his despair had vowed a pilgrimage; and he no sooner landed than he set out barefoot for the famous shrine of Our Lady at Whitekirk in East Lothian.[1] It was midwinter, there was ice upon the ground, the distance was ten miles, and when he rose to return, after a rest of two hours, he was so weak, his feet were so benumbed with cold, that he could scarcely move, and had to be half carried, half led from the place. That walk, he believed, brought on aches in his joints from which he suffered to his dying day.[2] On his way to Edinburgh, he first saw coal, beholding with wonder what seemed stones joyfully received as alms by the half-naked beggars who stood shivering at the church doors.[3] The Scottish King, himself a poet, gave a gracious reception to a Nuncio whose earliest laurels were won by his Latin and Italian verses. James, whom he describes as of square frame and very fat,[4] acceded to the request which he came to prefer, paid his expenses, and presented him with fifty nobles, and a pair of palfreys, for his journey homewards, besides a pearl which Aeneas sent to his mother.[5]

habitationis habet, horrida, inculta, atque hiemali solo inaccessa.'—(Pii Secundi Pont. Max. Comment. Rer. Memorab. quae temp. suis contig. pp. 4, 5. Francof. 1614.) Cf. Aeneae Sylvii Opera, pp. 443, 758. Basil. 551.

The date of the mission of Aeneas Sylvius is ascertained by what he himself tells us. He was despatched from Flanders before the 21st September 1435—the date of the Treaty of Arras, by which Philip the Good of Burgundy separated himself from the English—and he was in Scotland at the winter solstice (22d December).—(L'Art de Verif. les Dates, t. i. p. 615; t. ii. pp. 519, 520. edit. 1783.)

Whitekirk of Our Lady in Lothian.

[1] The ancient church of St. Mary of Hamer—the Whitekirk of Our Lady in Lothian—was renowned for its miracles as early at least as the middle of the fourteenth century. John of Fordun relates the fate of the English seaman, that son of Belial, who, about the year 1356, spoiled its image of the Virgin, 'aureis monilibus, annulis, et armillis, aliisque pretiosis ornamentis decoratam,' 'quam in malo nullus hominum impune attigerat.'—(Scotichron. lib. xiv. capp. 13, 14.)

In 1438 the widowed Queen of King James I. is said to have made her escape from Edinburgh Castle with the young King, under pretence of a pilgrimage to Whitekirk.—(Bishop Lesley, Hist. of Scot. p. 13. G. Buchanan. Rer. Scot. Hist. lib. xi.)

[2] 'Hac insula [sc. Scotia] uotis soluendis, quae inter fluctuum aestus Uirgini Matri nuncupauerat, initium eius morbi contraxit, qui dolore articulorum permansit ad uitae exitum. Glacie decem millibus passuum nudis pedibus ad phanum usque calcata, ut redire in oppidum non aliter quam lectica potuerit.'—(Aen. Sylv. per Joan. Antoinum Camp. Episc. Aretin. Vita, ad. init. Oper. edit. Basil. 1531.)

Coals given in alms to beggars at church doors in Scotland, A.D. 1435.

[3] 'Illud tamen nobis in Scotia miraculum repraesentatum est. Nam pauperes pene nudos ad templa mendicantes, acceptis lapidibus eleemosynae gratia datis, laetos abijsse conspeximus: id genus lapidis siue sulphurea siue alia pingui materia praeditum, pro ligno, quo regio nuda est, comburitur.'—(Aen. Sylv. Cosmographia, De Europ. cap. xlvi., Opera, p. 443.) Cf. J. Maj. De Gest. Scot. lib. i. cap. 6.

[4] 'Jacobus eo tempore regnabat, quadratus et multa pinguedine grauis.'—(Aen. Sylv. Cosmog., De Europ. cap. xlvi., Opera, p. 443.) Cf. J. Maj. De Gest. Scot. lib. vi. cap. 14.

[5] 'Ipse quoque duobus asturconibus donatus a Rege est, unione adiecto, quem matri destinaret.'—(Aen. Sylv. per Joan. Episc. Aretin. Vit.)

Aeneas Sylvius' account of Scotland.

The Italian speaks of Scotland as an island, two hundred miles in length from south to north, fifty miles in breadth, divided from England on the south only by two small streams and a mountain range.[1] It is a cold, bleak, wild country, he says, producing little corn, for the most part without wood, but yielding a sulphureous stone which is dug out of the earth for fuel. The cities have no walls, the houses are mostly built without lime, they have roofs of turf in the towns, in the country an ox-hide serves for a door. The common people are poor and rude, they have plenty of flesh and fish, but bread[2] is eaten only as a dainty. The men are small in stature, but bold; the women of fair complexion, good-looking, and amorous, kissing in Scotland going for less than shaking hands in Italy.[3]

[1] Aen. Sylv. Cosmog., De Europ. cap. xlvi., Opera, p. 443.

Rarity of wheaten bread in Scotland.

[2] That is, as indeed appears from a subsequent passage, white bread or loaves made of wheat. It was an old and wide-spread reproach that the Scots had no bread but cakes and bannocks of oatmeal and barley. The canons of Gisburn in Yorkshire loved to tell how, about the middle of the twelfth century, their founder, Robert of Bruce of Skelton, gave to his son, the lord of Annandale, the progenitor of the Scottish Kings, two English manors to find him in wheaten loaves, 'quia in Valle Anandie panis frumenti non fuerat.'—(Monast. Anglican. vol. vi. p. 267. edit. 1846.)

The Scots taunted with eating oat cakes.

We may see in the pages of John Mair, how in the beginning of the sixteenth century the Frenchman, the Fleming, the German, taunted the Scot with his oat cakes, and how the Scot winced under the taunt.—(De Gest. Scot. lib. i. cap. 2; lib. v. cap. 1.)

Kissing in Scotland and England more common of old than on the Continent.

[3] The amorous temper of Aeneas Sylvius might have been supposed to colour his testimony, but it is not the only proof which might be cited to show that in the fifteenth and sixteenth centuries the women of Britain—of England as well as of Scotland—were regarded as more liberal of their lips than the women of Italy, of Spain, of France, of the Low Countries, of Denmark.

In the year 1498, the Spanish Envoy, Don Pedro de Ayala, in his interesting report on Scotland, describes the women as 'courteous in the extreme,' adding, 'I mention this because they are really honest though very bold . . . they are very graceful and handsome . . . they dress much better than here [England], especially as regards the head-dress, which is, I think, the handsomest in the world.'—(Mr. Bergenroth's Calend. of Spanish State Papers, vol. i. p. 174.)

Erasmus, writing from England in 1499, to an Italian poet at Paris, is still more explicit: 'Sunt hic [in Anglia] Nymphae divinis vultibus, blandae, faciles, et quas tu tuis Camoenis facile anteponas. Est praeterea mos nunquam satis laudatus. Sive quo venias, omnium osculis exciperis; sive discedas aliquo, osculis dimitteris; redis, redduntur suavia; venitur ad te, propinantur suavia; disceditur abs te, dividuntur basia; occurritur alicubi, basiatur affatim; denique quocunque te moveas, suaviorum plena sunt omnia. Quae si tu, Fauste, gustasses semel quam sint mollicula, quam fregrantia, profecto cuperes non decennium solum, ut Solon fecit, sed ad mortem usque in Anglia peregrinari.'—(Epist. Faust. Andrelino poet. laur., Opera, t. iii. col. 56. Lugd. Bat. 1703.)

So also Polydore Vergil, writing in the same year: 'Apud Anglos . . . mulieres non cognatos modo, sed quoscunque generatim osculo tantum salutant resalutantque, et illud quidem prioribus ut dicitur labris, tam decentissime quam honestissime faciunt.'—(De Invent. Rer. lib. iv. cap. 13. pp. 365, 366. edit. Genev. 1604.)

It is related by a contemporary chronicler that when King James VI. first met his bride, Anne of Denmark, at Upslo, 'His Majestie myndit to give the Queine a kisse efter the Scotis faschioun at meiting, quhilk scho refusit as not being the forme

There is no wine except what is imported. The horses, small ambling nags, mostly geldings, are uncurried, uncombed, unbridled.[1] The oysters are larger than in England. Hides, wool, salt fish, and pearls are exported to Flanders. Nothing delights the Scots more than abuse of the English. Scotland may be said to contain two countries, the one cultivated, the other wild, where corn is not grown, where the people speak another tongue, and at times live on the barks of trees. There are no wolves.[2] Rooks are but newly introduced, and trees in which they build become the King's.[3] At the winter solstice, when Aeneas was there, the day was only four hours long.[4] He had heard of a tree which grew on the banks of rivers, and yielded a fruit having the semblance of a goose; if

of hir countrie.'—(D. Moysie's Mem. of Affairs of Scot. p. 81. edit. Bannat. Club.)

[1] Cf. J. Maj. de Gest. Scot. lib. i. cap. 6; Archaeolog. Scot. vol. i. pp. 272-281.

Wolves in Scotland.

[2] This must have been meant of the country south of the Forth—the only part of Scotland which Aeneas Sylvius appears to have seen. Yet even there, towards the end of the twelfth century, wolves were still the terror of the Teviotdale shepherd, ravaging his flocks in packs within hearing of the bells of Hawick; towards the middle of the thirteenth century, wolves were still trapped in the forest of Eskdale.—(Regin. Dunelm. Lib. de B. Cuthb. Virt. cap. cxxxix. pp. 288, 289. Lib. de Melr. vol. i. pp. 31, 35, 177, 179, 181.)

Elsewhere the wolf was still so common in 1428—only seven years before the Italian's visit—that the Parliament ordained every baron to have a wolf hunt four times a year. Again, in 1457 it was enacted that in every shire in which there were wolves they should be hunted thrice a year.—(Act. Parl. Scot. vol. ii. pp. 15, 16, 51, 52.)

'The wolffis ar richt noisum to the tame bestiall in all pairtis of Scotland,' wrote the Archdeacon of Murray in 1533. Queen Mary took part in a hunt at which five wolves were slain in Atholl in 1563. Wolf-skins were an article of export from Scotland in 1612, chargeable with a duty of thirty pounds a daker (ten skins), being a third more than the export duty on fox-skins. In 1622 the tenants of Glenorchy and Breadalbane were taken bound to keep weapons for the yearly chase of the wolves which preyed upon their cattle and horses. Wolves were still common in the forests of Sutherland in 1630. (Bellend. Hist. and Chron. of Scot. vol. i. p. xli. edit. 1821. Invent. of Mary Queen of Scots, pref. pp. lxix, lxx. Rates of Merchandizes transportit oute of Scotland A.D. 1612. MS. Regist. House. Black Book of Taymouth, pp. 298, 356, 374. Sir R. Gord. Gen. Hist. of Sutherl. p. 3.)

The last wolf in Scotland—the last in Britain—is said to have been killed by the chief of the Clan Cameron in Lochaber, only a year or two before the Revolution of 1688.—(Mem. of Sir E. Cameron of Locheill, p. 86. Stat. Acc. Scot. vol. viii. p. 343. Lord Macaulay, Hist. of Engl. chap. xiii. vol. iii. p. 320. edit. 1855.)

Rookeries in Scotland. A.D. 1424-35.

[3] A mistake springing obviously from a misapprehension of the then recent Act of Parliament of 1424, which, in the belief that rooks did great hurt to the cornfields, ordered the destruction of their nests and their young birds under penalty that 'quhar it beis tayntyt that thai bige, and the birdis be flowin, and the nestis be fundyn in the treis at Beltane, the treis salbe forfaltit to the King,' etc.—(Act. Parl. Scot. vol. ii. p. 6.)

Aeneas may have been betrayed into this and other mistakes by imperfectly understanding an interpreter, himself perhaps only imperfectly informed.

[4] An exaggeration which Aeneas puts more strongly in another work: 'Hic nos brumali tempore fuimus, cum Sol paulo amplius quam tres horas terram illuminaret.'—(Cosmog., De Europ. cap. xlvi., Opera, p. 443.)

the fruit fell on the land it rotted away, if it dropped into tho stream it took life, feathers and wings, swam in the water, and flew in the air. But when he asked where he could see this marvellous tree, he was told that it was no longer to he found in Scotland, although it still flourished in the Orkneys.[1]

Aeneas Sylvius among the Borderers.

The Nuncio had suffered so much by sea, that, rather than attempt another voyage, he resolved to face the risk of a journey through England. Disguising himself as a merchant, he was ferried across a river which, rising in a high hill, divides the two realms;[2] and resting ahout sunset at what he calls a hig town, found lodging in a peasant's house, where he supped with his host and the parish priest. There was plenty of hroth, fowls, and geese, hut neither wine nor hread. All the people of the place, hoth men and women, came flocking to the spot, staring in amazement at Aeneas, as Italians would stare at an Ethiopian or an Indian. Where does he come from? they asked the priest; What is he doing here? Is he a Christian? Forewarned that he must look for hard fare upon his journey, Aeneas had provided himself at a certain monastery with some loaves of hread and some red wine. The sight of these astonished the English barbarians more than ever. They had never seen either wine or white hread. Women with child sidled up to the table with their hushands, handled the bread, smelled the wine, and begged of hoth, so that Aeneas says that he had to give them the whole. The supper lasted until the second hour of the night, when the priest, the host and his children, with all the men, took their leave, saying that they must be gone to a certain tower a long way off, for fear of the Scots, who were wont, when it was dark and

[1] 'Audiueramus nos olim arborem esse in Scotia, quae supra ripam fluminis enata, fructus produceret anetarum formam habentes, et eos quidem cum maturitati proximi essent, sponte sua decidere, alios in terram, alias in aquam, et in terram deiectos putrescere, in aquam uero demersos, mox animatos enare sub aquis, et in aere plumis pennisque euolare. De qua re cum audiuimus inuestigaremus, didicimus miracula semper remotius fugere, famosamque arborem non in Scotia sed apud Orcades insulas inueniri.'—(Cosmog., De Europ. cap. xlvi., Opera, p. 443.)

[2] Aeneas does not name the stream; but from what he says afterwards about the Scots crossing when the tide was out, it seems to have been the Solway. The strange night scene which he describes is more likely to have been witnessed on the West March, than on the East, which was comparatively quiet and civilized.

ebh tide, to come over the river and plunder. It was in vain that the Italian entreated to be taken with them. Nor did they take any of their women, although many of them were young girls and blooming matrons, for they did not think the Scots would do them any harm, so small was the account which they made of chastity. Aeneas, therefore, with two servants and a guide or interpreter, remained alone among a hundred women, who, ranging themselves in a circle round the fire, spent the hours in carding hemp and talking with his guide. The night was far passed, when there was a loud noiso of dogs harking and geese cackling. The women fled, some one way, some another; the guide fled with them; and there was as great a tumult as if the enemy had come. Aeneas thought it hest to lie still in his hedroom—it was a stable—lest, if he attempted flight in a place of which ho knew nothing, he might only run into danger, and be rohhed by the first man he met. He had not long to wait hefore the women came hack with the guide; the alarm had been raised hy the arrival of friends, not of foes. With daylight the Nuncio resumed his journey. When he reached Nowcastle, said to he a work of the Caesars,[1] it seemed as if ho had returned to the habitahle world, so unlike Italy, so rugged, wild, and dreary did Scotland and the north of England appear to his eyes.[2]

Provincial Council, between 17th Nov. 1439 and 4th Nov. 1443.

It has been seen that, in the year 1433, King James the First sent eight representatives to the Council of Basle. Some of them joined in the deposition of Pope Eugenius the Fourth; one of them—the Ahbot

[1] An allusion to the Roman remains which, in the fifteenth century, still served to show that the Pons Aelii, the town which takes its modern name from the fortress built by William Rufus in the twelfth, had been an important post on the great wall of Hadrian or Severus, in the second or third century.

[2] Aeneas was not forgotten in Scotland. They talked of him a hundred years afterwards, putting into his mouth words about the murder of King James I. which if spoken at all must have been spoken by the Nuncio of a later year, the Bishop of Urbino: 'Vbi facinus patratum vidisset, infinita in omnes conuicia iaciebat, quod tantum scelus fieri permitterent impune, quoad quo modo diximus supplicium de coniuratis sumptum erat, tum recantans, quantum antea facinus execratus fuerat, tantum poenas sumptas laudauit.'—(H. Boet. Scot. Hist. lib. xvii. fol. 354.)

When Aeneas was chosen Pope in 1458, King James II., the son of the prince whose court he had visited, sent ambassadors to Rome to do him homage: 'ad exhibendum et prestandam sanctissimo patri nostro summo pontifici Domino Pio Pape Secundo nomine et ex parte nostra obediencíam per nostros inclitissimos progenitores et nos prestari solitam et consuetam.'—(Reg. Mag. Sig. lib. v. no. 82. MS. Reg. House.)

Scottish churchmen at the Council of Basle, A.D. 1433-1440.

of the Cistercian monastery of Dundrennan, in Galloway—played a great part both in that measure and in the election of the Antipope, Felix the Fifth.[1] But they failed to carry a majority of the Scottish clergy

Thomas of Livingston, abbot of Dundrennan, titular bishop of Dunkeld, the first of three divines named by the Council of Basle for the election of a new Pope, etc., A.D. 1388-1460.

[1] His name—'Thomas abbas de Dondraina[n], ordinis Cisterciensis, dioecesis Candidae Casae'—stood first on the list of three doctors appointed by the Council, in its thirty-eighth session, on the 30th of October 1439, to nominate the conclave by whom a new Pope was to be elected.—(Labb. et Coss. Conc. t. xii. coll. 634-6, 1427. Onuph. Panvin. Roman. Pontif., in J. Gualt. [Grut.] Chron. Chronic. pp. 505, 508. Franc. 1614. Raynald. Annal. Eccles. ann. 1439. § XXVII. vol. ix. p. 314.)

He is often mentioned in the spirited page of the contemporary historian of the Council, and never without respect: 'Aiebat grauissimus ille doctor, Guilielmus archidiaconus Metensis, uir et naturali sensu et acquisito memorabilis, tres esse in Concilio patres quibus res ista committi posset, quorumque fidem totum Concilium crederet sequuturum. Tres autem uiros hos fore dicebat, Thomam abbatem de Dunduno [l. Dundrannan], ordinis Cisterciensis, dioecesis Candidae Casae, uulgo de Graecia nuncupatum; Joannem de Segouia, archidiaconum de Uilla Vissosa in ecclesia Metensi; ac Thomam de Corcellis canonicum Ambianensem, in sacra theologia magistros. Quibus sobrie laudatis, quoniam uice uirtutis essent, hos primum tres fore ex electoribus Romani Pontificis, statuebat: ije quoque committi electionem reliquorum nouem et uiginti, quos clam omnibus inter se nominarent,' etc.—(Aeneae Sylvii Comment. de Gestis Basiliensis Concilii, lib. ii. Opera, p. 48. Basil. 1551.) To appease the jealousy of the Germans, the triumvirate were empowered to associate with them the provost of St. Peter's of Brun, in the diocese of Olmutz: 'abbatem namque illum de Scotia uideri potius Gallicum quam Germanum nonnulli submurmurabant.'—(Id. p. 49.)

The Abbot of Dundrennan had signalized himself in debate by his speeches against Pope Eugenius: 'Erat inter ipsos theologos et authoritate et scientiae copia praecipuus Ebrunensis Episcopus, serenissimi et potentissimi Regis Castellae orator: erat et Abbas quidam Scotus: qui tanquam acerrimi pugiles et in theatro pugnantes, aduersarios quoslibet prosternebant: quorum argumentationibus aut acquiescebant alij aut cedebant, eorumque studio grauior tandem sententia uicit, ut haereticus atque relapsus Eugenius diceretur.'—(Id. p. 4.) 'Locutus pauca prius est Abbas Scotus triumuir, et post eum Joannes Segouius.'—(Id. p. 50.) He matched himself against the most redoubted champions of the adverse camp—the Archbishop of Palermo, 'vir inter omnes scientia eminens;' the Bishop of Burgos, 'praelatorum decus;' the Almoner of the King of Aragon, 'non minus eloquentia quam doctrina praeclarus.' 'Aduersus quos et Abbas [de] Scotia, uir subtilis ingenij, plurima disputauit, et Thomas de Corsellis inter sacrarum literarum doctores insignis . . . late et clare disseruit.'—(Id. p. 7: cf. p. 50.)

It is an old regret that so little should be known of one who so greatly distinguished himself. 'It is somewhat strange'—wrote a fellow-countryman, himself too little known, who rose under Bishop Burnet to be Chancellor of Sarum—'it is somewhat strange that none of the Scottish writers speak of him. It was a great honour to that nation to have produced a man of so eminent a character, who upon so extraordinary an occasion was set at the head of such a business . . . yet I do not find that he is known to the writers of that nation. . . . If Boethius and Lesley would take no care to preserve the memory of a man who was so much concerned in such a business, yet how he scaped the diligence of Buchanan, who must have valued him the more for it, is somewhat strange: perhaps the case with him was like that of a prophet who is not without honour save in his own country; or so transient a thing is fame and reputation, that he who in one age was esteem'd the man of the first and most distinguished merit of a whole Council, is so forgotten in the next, that even those who have laboured much and with great success, Buchanan especially, to raise the value of their country, have not mentioned a man that was so great an honour to it, and that within memory of the time in which they writ.'—(Dr. Michael Geddes, The Council of Trent no Free Assembly, pp. 53-55. Lond. 1697.)

Thomas of Livingston seems to have been born about the year 1388, and to have studied at St. Andrews, taking the degree of bachelor of arts in 1413, the degree of master of arts in 1414. He

along with them. A Provincial Council met to repudiate their acts; the repudiation was published by the King and confirmed by the Parliament;[1] and severe penalties, civil as well as spiritual, were fulminated against the authors and the followers of the schism.[2]

A Scottish Provincial Council condemns the Antipope, Felix v., A.D. 1439-43.

bore the name of a family which was then rising to influence in the Scottish court; and whether by the help of kinsfolk or by his own merit, he became Abbot of Dundrennan when he was little more than forty. In August 1433, he appeared in the Council of Basle as the bearer of letters from King James I., who afterwards appointed him one of the eight representatives of Scotland in that synod. The conspicuous part which he took in the deposition of Eugenius IV. and in the election of Felix V., did not restrain him from hastening to abandon the falling cause of the Antipope, and to make his peace with the orthodox successor of St. Peter. The timely submission of such an adversary was not suffered to pass without reward. While James Kennedy, bishop of Dunkeld, was at the Council of Florence in the spring of 1440, he was preferred to the see of St. Andrews; and no time would seem to have been lost by the Papal Court in consecrating the Abbot of Dundrennan to the bishopric which was thus vacated. When it was found that there was no hope of his being admitted by the Scottish king to the temporality of the see, he was appointed Commendator and Administrator of the Cistercian Abbey of Cupar (estimated as worth 1500 gold florins a year), with an annual pension of 100 florins from the monasteries of Newbattle and Dundrennan; with the rectory of Kirkinner or Cairnemall, the richest parish church in Galloway; and with the administration of the Italian monastery of St. Christopher, beyond the walls of Turin. Thus laden with pluralities, he appears to have returned to Scotland in the summer of 1447. He kept the title of bishop, but gave up his claim to the see of Dunkeld, which, indeed, he found filled by another. The grant of the church of Kirkinner, which had been bestowed upon him by Pope Nicholas V., was revoked by Pope Calixtus III. in the spring of 1456. But it was restored, two years afterwards, by Pope Pius II., at the request of King James II., who had the Abbot for his confessor and councillor. In the summer of 1459, on a representation that he was more than seventy, and nearly blind, he obtained a coadjutor in his abbacy of Cupar. He died before July 1460.—(Act. Facult. Art. MS. Univ. S. Andr. Theiner, Mon. Vet. Hib. et Scot. pp. 401, 415-418, 426, 427, 429. Stat. Acc. Scot. vol. xi. p. 59. Reg. Mag. Sig. lib. iii. no. 97. MS. Reg. House. J. de Ford. Scotichron. lib. vi. cap. 48. Rot. Scot. vol. ii. p. 330. Crawf. Offic. of State in Scot. pp. 466, 467.) See below, pp. 247, 248.

A trivial slip by the Dean of St. Paul's (Hist. Lat. Christ. book xiii. chap. 15) in writing 'John' for 'Thomas' led me, in a note at p. 284, to suppose that the Scottish Cistercian Abbot who figured so prominently at Basle was John of Melrose, not Thomas of Dundrennan.

[1] The General Council of the three Estates which met at Stirling in November 1443, enacted 'that the statute of Haly Kirk quhilk is oppressit and hart be kepit be the law of Haly Kirk, actis and statutis maid of befor tyme in General and Prouincial Consale and in Parliament . . . alsua at ferme and fast obedience be kepit til our Haly Fadir the Pape Eugene be actis of Generale and Prouinciall Consalys publicit and notifiit of befor ande proclamit be the Kingis autorite, and at rigorous process be maid agaynis the fauoraris of scisione and the agaynstandaris of the saide obedience, and at na personis spirituale nor temporal change the said obedience quhil the King and the realme ordane and decrete thar apone.'—(Act. Parl. Scot. vol. ii. p. 33.)

The Estates of Scotland acknowledge Pope Eugenius IV., and denounce the adherents of the Antipope Felix V., 4th Nov. 1443.

The continuator of John of Fordun, writing while the schism was yet open, deplores the fierce strife, especially in Scotland, between the adherents of Eugenius IV. and the followers of Felix V.: 'Per quos in ecclesia Dei maxima scandala, et in diversis regnis, maxime in Scotia, augescunt dissidia, dum alter ab altero dissidet, dum regnum et sacerdotium dissentit, dum alter alterum excommunicat, alter alterius excommunicationem, aut ex causa aut ex tempore, praejudicio contemnit: dum alter in alterum excommunicandi auctoritate, magis forte ex suo libito quam ex justitiae respectu, potitur, auctoritas illius, qui dedit potestatem ligandi atque solvendi, omnino despicitur.'—(Scotichron. lib. xvi. cap. 6.)

[2] In April 1440 Pope Eugenius IV. issued sen-

Provincial Council, before 28th June 1445.

A Provincial Council was held before July 1445, of which we know nothing more than that it chose the Bishop of Brechin to be Conservator.

Right of the Crown in Scotland to the personal estates of Bishops after their death.

By a custom, described as unusual,[1] which long prevailed in Scotland, tho movahlo goods or personal estate of a Bishop lapsed to the Crown upon his death, whether he died testate or intestate. It was in vain that the Church reclaimed against the usage. In the middle of the thirteenth century, the Bishop of St. Andrews procured its prohibition[2] by a Papal

Bull of Pope Eugenius IV. ordering the excommunication of the followers of the Antipope to be published in Scotland, 6th July 1440.

tence of excommunicatiun, suspension, and interdict against the adherents of the Antipope, elected at Basle in November 1439, after the Council had been summoned to Ferrara: 'perditionis et infelicitatis filius Amedeu ulim Sabaudiae Duci Felicem ausu temerario se nominare praesumenti, ejusque erroribus scienter et deliberate credentes seu adhaerentes.' In July 1440 he addressed a bull to the Bishop of St. Andrews, James Kennedy, the munificent founder of St. Salvator's College, for the promulgation and enforcement of the sentence in Scotland: 'Cum . . . sicut accepimus, nonnullae regni ac civitatum terrarum et locorum ditioni charissimi in Christo filii nostri Jacobi Scotorum Regis illustris subditorum personae tam ecclesiasticae quam saeculares . . . contra monita et mandata ac alia in literis contenta huiusmodi venire . . . praesumant . . . nos, talia sub dissimulatione ulterius pertransire non volentes . . . fraternitati tuae in magnis et arduis nostris et Romanae ecclesiae negotiis diutius comprobatae, de qua in iis et aliis plenam in Domino fiduciam obtinemus, omnes et singulas regni, civitatum, terrarum et locorum ditioni Regis huiusmodi ecclesiasticas, clericales, ac laicales personas cujuscumque gradus status ordinis vel conditionis . . . excommunicatos et interdictos . . . publice nunciandi . . . easque . . . etiam cum invocatione brachii secularis aggravandi et reaggravandi . . . Apostolica authoritate tenore praesentium facultatem concedimus. Datum Florentiae anno incarnationis Dominicae MCDXL pridie Non. Julii pontificatus nostri anno x.'—(Raynald. Annal. Eccles. ann. 1440. § II. vol. ix. pp. 334, 335.)

The bull was renewed by Pope Nicholas v. in July 1447.—(Theiner, Vet. Mon. Hib. et Scot. pp. 377, 378.)

Wills of Bishops and Abbots.

[1] Yet there would seem to be some trace of it in England. One of the petitions of the English Bishops to the Cardinal Legate Otho, in the year 1237, was 'Ne testamentum Episcoporum et aliorum impediatur.'—(Annal. Burton. p. 290, in Fulm. Rer. Anglic. Script.)

The general principle of the Canon Law was that what was acquired through the Church should abide with the Church. But the principle was seldom or never proclaimed without some hesitation or reserve: 'Licet mobilia per ecclesiam acquisita, de iure in alios pro morientis arbitrio transferri non possint: consuetudinis tamen non est improbandae ut de his, pauperibus, religiosis locis, et illis qui viventi seruierant, siue sint consanguinei siue alii, aliqua iuxta seruitii meritum conferantur.'—(Decretal. Greg. lib. III. tit. xxvi. cap. 12.)

Even where the rule was peremptory, it was not always inflexibly applied: 'Ingredientibus monasterium vlterius nulla sit testandi licentia.'—(Decret. par. II. caus. xix. qu. 3. cap. 7.) Yet Mabillon has shown that abbots and abbesses, distinguished for their piety, bequeathed their estates by will: 'Verum uniformis et eadem ubique non servabatur ea de re disciplina: in aliis enim locis aliisque temporibus, id licere visum est, quod alii existimarunt nefas.'—(De Re Diplom. lib. I. cap. ii. § 10. pp. 8, 9: cf. lib. I. cap. v. § 1. pp. 19, 20; lib. II. cap. viii. §§ viii. ix. p. 99. edit. 1709.)

Bull of Pope Alexander IV forbidding the King of Scots to seize the personal estate of Gameline, bishop of St Andrews, after his death, 20th Nov. 12[illegible]

[2] 'Alexander episcopus seruus seruorum Dej, uenerabili fratrj Episcopo Sancti Andree, salutem . . . nos uolentes quantum cum Deo possumus ecclesie tue Sancti Andree a futuro grauamine precauere, ut, te nature debitum persoluente, carissimus in Christo filius noster Rex Scocie illustris uel aliquis alius bona mobilia predicte ecclesie occupare nequeat, cum hoc ipsi non habeant de consuetudine uel a iure, auctoritate presentium districtius inhibemus . . . Datum Anagnie, xij. Kal. Decembris, pontificatus nostrj anno quinto.'—(Orig. MS. Adv. Lib. 15. 1. 19. no. 20.)

In the far north, a few years earlier, the Bishop of Caithness—St. Gilbert of Murray, the builder of Dornoch—would seem to have been suffered to

bull. But the prohibition was recalled by another bull,[1] and the right of the Crown seems to have been unchallenged for a hundred years. We see it twice exercised by King Edward the First of England during his short reign as Overlord of Scotland. In one case he granted license to a Bishop to dispose of his movables by will, declaring always that the grant should be without hurt or prejudice either to Edward himself as Overlord or to the King of Scotland that was to be.[2] In another case he ordered the goods and chattels which had belonged to a deceased Bishop, and were now by his death in the hands of the Crown, according to the custom of Scotland, to be delivered to the Prior of Coldingham and the Bishop's brother, to be spent by them for the weal of the Bishop's soul.[3]

At length, in the year 1372, the Scottish Bishops, representing to Pope Gregory the Eleventh that King David the Second, with consent of his Parliament, had renounced all claim to the personal estates of deceased Bishops,[4] obtained two successive bulls confirming the renuncia-

Testament of St. Gilbert of Murray, bishop of Caithness, A.D. 1242.

dispose of his goods as he pleased: 'Sanct Gilbert maid his testament and later will, the yeir of God 1242, as is manifest by the same yit extant among the Bishop of Catteynes his registers and records.'—(Sir R. Gord. Gen. Hist. Earld. Sntherl. p. 32.)

[1] Among the records in the Scottish Treasury in 1282, was 'Quedam Bulla que innuita contrario sensu quod Rex possit habere bona mobilia Episcopatuum post mortem Episcoporum si hoc habeat a consuetudine.'—(Act. Parl. Scot. vol. i. app. to pref. p. 2.)

King Edward I. of England, as Lord Paramount of Scotland, grants license to the Bishop of Glasgow to dispose of his movable estate by will, 23d Jan. 1291-2.

[2] 'Rex et Snperior Dominus regni Scotie . . . Sciatis quod pro bono et laudabili servitio quod venerabilis pater Robertus Glascuensis episcopus . . . nobis impendit . . . concessimns ei quod ipse testamentum suum de bonis suis mobilibus condere possit pro sne libito voluntatis, et qnod executores testamenti sui liberam administrationem habere et de eisdem disponere possint juxta formam ejusdem testamenti et ipsius Episcopi ultimam voluntatem: Ita tamen qnod ista gratia nobis sen Regi futuro regni illius non cedat alias in prejndicium seu jacturam . . . Apud Westmonasterium xxiij° die Januarii.'—(Rot. Scot. vol. i. p. 7.)

King Edward I. orders the goods and chattels of the deceased Bishop of Caithness to be distributed for the weal of his soul, 8th Jan. 1291-2.

[3] 'Rex et Superior Dominus regni Scotie dilecto et fideli suo Willelmo de Dunfres tenenti locum cancellarii in Scotia saintem. Volentes intnitu fidelis obsequii qnod bone memorie Alanna nuper Cathenensis episcopus et cancellarius Scotie defunctus nobis in vita sua impendit, eidem defuncto gratiam facere specialem, concessimus quod omnia bona et catalla que fuerunt prefati Episcopi in Scotia die quo obiit, et per mortem ejusdem capta sunt secundum consuetudinem Scotie in manum nostram, dilectis nobis in Christo Priori de Coldingham et Magistro Ade de Sancto Edmundo persone ecclesie de Lastalrik fratri prefati Episcopi, integraliter liberentur pro anima dicti defuncti per manus eorundem distribnenda . . . Vobis mandamus quod brevia sub sigillo Scotie illis in qnorum manibus bona et catalla predicta existunt sine dilatione fieri faciatis ut ipsi omnia bona et catalla predicta prefatis Priori et Ade liberent . . . Apud Westmonasterium, viij die Jannarii.'—(Rot. Scot. vol. i. pp. 6, 10.)

Charter of King David II. renouncing the right of the Scottish Crown to the personal estates of deceased Bishops, A.D. 1367-71.

[4] King David's charter is printed in the Reg. Mag. Sig. lib. i. no. 276, p. 77; and in J. de Ford. Scotichronicon, lib. xiv. cap. 42. It is without date, but obviously belongs to the last years of the King's reign.

While it empowers the Bishops to bequeath their personal estates by will, it takes care to reserve the right of the Crown to the rents of the bishopric, and to the advowson of chnrches in the bishop's collation, during the vacancy of the see:

tion.[1] They failed to accomplish their purpose; and a third bull was issued, reciting the renunciation of King David, its confirmation by his successor King Robert the Second, and excommunicating every one who should attempt to enforce the right which had been thus twice abjured.[2] This bull was not more effectual than its predecessors. While its terrors were still recent, a Bishop of St. Andrews is said to have bequeathed

'Terris tamen redditibus dominijs et seruicijs quibuscunque ipsorum Episcopatuum cum pertinencijs, necnon juribus patronatuum ecclesiarum que ad Regaliam nostram pertinere consueuerant et adhuc pertinent sede vacante . . . juri Regio voluntatique et disposicioni nostri heredum ac successorum nostrorum in omnibus et per omnia reseruatis.'

It makes provision for the case of Bishops dying intestate: 'Et si contingat aliquem ipsorum Episcoporum regnj nostri aliquo vnquam tempore quod absit ab intestato decedere, volumus et tenore presencium concedimus pro nobis et nostris heredibus et successoribus in perpetuum, quod amici propinquiores dictorum Episcoporum de vniuersis suis bonis mobilibus absque quocunque impedimento per nos aut ministros nostros faciendo disponant pro sue libito voluntatis prout pro salute animarum ipsorum Episcoporum melius viderint expedire.'

Bull of Pope Gregory XI. confirming the charter of King David II. renouncing all claim to the personal estates of deceased Scottish Bishops, 1st Jan. 1372.

[1] 'Gregorius episcopus etc. . . . Sane petitio pro parte venerabilium fratrum nostrorum vniuersorum Episcoporum regni Scocie, nobis nuper exhibita continebat, quod olim clare memorie David Rex Scocie, asserens ex consuetudine ab antiquis introducta temporibus et vsque tunc continuata per eum et predecessores suos tanquam pro priuilegio speciali seruatum fuisse, quod bona quecunque mobilia Episcoporum regni predicti tempore mortis ipsorum Episcoporum Regiis sic applicata erant vsibus, quod ab Episcopis in suis condendis testamentis super bonis disponendis huiusmodi omnino erat adempta facultas, ob reuerenciam diuini nominis, ac de consensu et assensu charissimi in Christo filij nostri Roberti Regis, tunc Senescalli Scocie ac Comitis de Stratherne nepotis ipsius Dauid Regis, et liberorum ipsius Roberti, nec non aliorum baronum et procerum ac trium communitatum dicti regni in pleno Parliamento, pro se et suis heredibus ac successoribus, omne ius quod sibi in premissis bonis dictorum Episcoporum tempore obitus eorum quomodolibet competebat, ipsis Episcopis de gratia speciali concessit, prout in litteris autenticis inde confectis dicti Dauid Regis sigillo munitis plenius continetur. Quare pro parte dictorum Episcoporum nobis fuit . . . supplicatum vt huiusmodi concessioni . . . robur confirmationis adiicere . . . dignaremur. Nos itaque . . . concessionem ipsam . . . auctoritate Apostolica . . . confirmamus . . . Datum Auinione Kal. Januarij, pontificatus nostri anno primo.'—(Reg. Episc. Aberd. vol. ii. pp. 122, 123. Theiner, Vet. Mon. Hib. et Scot. p. 346.)

Five days afterwards, the Pope addressed a bull to the Bishops of St. Andrews, of Glasgow, and of Aberdeen, charging them to see that his previous bull was scrupulously observed: 'Et insuper omnibus officiarijs Regis et personis alijs quibuscunque in locis publicis de quibus vobis videbitur auctoritate Apostolica inhibeatis ne bona huiusmodi Episcoporum sic decedentium aut aliquid ex eis recipere vel occupare presumant sub pena excommunicationis.'—(Reg. Episc. Aberd. vol. ii. pp. 122-124. Theiner, Vet. Mon. Hib. et Scot. p. 346.)

Bull of Pope Gregory XI. excommunicating all who should seize the personal estates of Scottish Bishops on their death, 19th Mar. 137[illegible].

[2] 'Gregorius episcopus etc. . . . Nuper siquidem relatione fidedigna percepimus quod olim nonnulli Reges Scotie, pretextu cuiusdam ut asserebatur consuetudinis que dicenda erat potius corruptela, omnia res et bona mobilia que Episcopi dicti regni pro tempore existentes tempore sui obitus obtinebant seu possidebant, eisdem Episcopis decedentibus, de facto recipientes ac usurpantes sibimet ipsis appropriare temere presumebant: Et quod licet olim clare memorie Dauid Rex Scotie, dum ageret in humanis, pie considerans quod huiusmodi consuetudo abusiua et detestabilis existebat, eam aboleri decreuisset ac illam penitus reuocasset et substulisset, ac mandasset illam de cetero nullatenus obseruari; ac postmodum carissimus in Christo filius noster Robertus Rex Scotie illustris, predicti Dauid successor, huiusmodi reuocationem et mandatum approbasset et confirmasset, tamen nonnulli eiusdem Regis officiales et alii quoque pretextu dicte consuetudinis et nomine dicti

all his goods by will;[1] but within twenty years afterwards, King Robert the Third is found granting to one Prelate the ecclesiastical treasures—a bit of the cross of St. Andrew, a piece of arras of the Three Kings of Cologne, a linen cloth painted with beasts and birds, a large breviary—which had fallen to the Crown by the death of another Prelate.[2]

The failure of so many bulls, still more the great schism in the Papal See, must have discouraged any further appeal to the Pope; the character and necessities of King James the First, and the infancy of his son, long forbade any hope of redress from the Crown. But no sooner did King James the Second attain puberty than the Bishops urged the matter upon the attention of the Parliament which met at Perth and adjourned to Edinburgh in the summer of 1445. The Parliament

Roberti Regis, quorumdam Episcoporum et Prelatorum in dicto regno decedentium bona rapere et camere dicti Regis vel aliis usibus appropriare, presumpserunt hactenus et presumunt. Nos igitur . . . volentes huiusmodi presumptuosis ausibus . . . obuiare . . . districtius inhibemus omnibus et singulis personis in dicto regno consistentibus, ne pretextu predicte detestande consuetudinis, immo uerius corruptele, aliqua bona cuiuscumque Episcopi vel Prelati in predicto regno decedentis recipere vel quovis modo usurpare presumant. Nos enim omnes et singulos qui decetero contra huiusmodi inhibitionem nostram bona aliquorum Episcoporum vel Prelatorum dicti regni deinceps decedentium recipere vel usurpare presumpserint, etiamsi huiusmodi presumptores Regali vel quauis alia prefulgeant dignitate, sententiam excommunicationis incurrere decernimus eo ipso . . . Datum Auinione, XIIII. Kal. Aprilis pontificatus nostri anno quinto.'—(Wilk. Conc. Mag. Brit. et Hib. vol. iii. pp. 544, 545. J. de Ford. Scotichron. lib. xiv. cap. 41. Reg. Episc. Brechin. vol. i. pp. 99, 100. Theiner, Vet. Mon. Hib. et Scot. p. 353.)

Testament of William of Landalis, bishop of St. Andrews, A.D. 1385.

[1] William of Landalis, who died in the autumn of 1385. The Prior of St. Serf's Inch relates that

'. . . of the gudis that he had
Hys testament he frely made.'

—(Wynt. Orig. Chron. Scot. book ix. ch. vi.) Archbishop Spottiswoode, recording the traditions of St. Andrews in the reign of King Charles I., relates that it was a custom before the time of Bishop Landalis, 'that when any Bishop deceased, all his moveable goods were seised on by the King's officers as belonging to the King: This he got discharged, and liberty granted to all the prelates to dispose their goods by testament to whom they pleased; or if they should happen to die intestate, it was made lawful to their nearest kinsmen to call and pursue for the same. The benefit of this priviledge he himself first enjoyed.'—(Hist. of Church of Scot. p. 55. edit. 1677.) Cf. Mart. Reliq. D. Andreae, p. 229.

Grant by King Robert III., to the Bishop of Aberdeen, of movables fallen to the Crown by the death of the Bishop of St. Andrews, 4th May 1403.

[2] 'Robertus Dei gratia Rex Scottorum . . . Sciatis quod concessimus . . . reuerendo in Christo patri Gilberto episcopo Aberdonensi cancellario nostro, vnam Crucem argenteam in qua continetur quedam pars ligni Crucis Beati Andree Apostoli; duos pannos, vnum videlicet laneum de Arras de historia Oblationis Trium Regum de Colonia ad Beatam Virginem, et alium lineum pannum pictum cum bestijs et volatilibus; et unum magnum Portiforium: Que fuerunt quondam Domini Walteri vltimi Episcopi Sancti Andree, et que ad nos pertinent iure Regio per mortem dicti quondam Episcopi . . . Datum sub sigillo nostro secreto, quarto die mensis Maij, apud Eliotston, anno millesimo quadringentesimo tertio et regni nostri anno quarto decimo.'—(Reg. Episc. Aberd. vol. i. p. 208; vol. ii. pp. 136, 141, 143, 160, 166, 172, 181, 196.)

deputed thirty-six persons to hear the claims of the Prelates. They met in the house of the Vicar of St. Giles'. Six bishops and nine abbots appeared for the clergy; six lords, four knights, six burgesses for the laity. The Bishop of Murray, in name of the clergy, presented the third bull of Pope Gregory the Eleventh to the Bishop of Brechin, Conservator of the Privileges of the Scottish Church, and to Dr. John Scheves, Canon of Glasgow and Aberdeen, Official of St. Andrews, Clerk of the King's Rolls and Register,[1] and asked that it might be formally transumed or exemplified by their authority. The request was granted, and it was declared that the copy or exemplification, attested by their seals, should bear the same faith as the original.[2]

John of Cranuoch, bishop of Brechin, Conservator of the Privileges of the Scottish Church, 28th Jun. 1445.

[1] Act. Parl. Scot. vol. ii. pp. 32, 53, 59. Chamber. Rolls, vol. iii. pp. 398, 400, 401, 493, 514, 530, 553.

Transumpt of the Bull of Pope Gregory XI. (of 19th March 1375), by the Conservator of the Scottish Church, and by the Clerk of the King's Rolls and Register, 28th June 1445.

[2] 'In nomino Domini Amen. Uniuersis . . . presens . . . transsumptum inspecturis, Johannes Dei et Apostolice Sedis gratia episcopus Brechinensis ac Conseruator Preuilegiorum ecclesie Scoticane, et Johannes Seues decretorum doctor ecclesiarum Glasguensis et Aberdonensis canonicus ac officialis Sanctiandree generaliter constitutus, Salutem . . . Noueritis quod reuerendus in Christo pater Johannes episcopus Morauiensis procurator et procuratorio nomine prelatorum et cleri totius Scotie . . . quasdam Literas Apostolicas, unam videlicet Domini quondam Gregorii Pape, aliam quondam Domini Martini Pape, eorumque veris bullis plumbeis more Romano curie impendentibus bullatas coram nobis . . . judicialiter produxit petens humiliter . . . ut huiusmodi Litteras Apostolicas transsumi . . . mandare dignaremur . . . Unde nos Johannes episcopus Brechinensis ac Conseruator et Johannes Senes officialis . . . prefatas bullas per notarios subscriptos transsumi jussimus . . . Quarum vero bullarum tenor . . . est talis: *Gregorius episcopus* [etc. ut supra, pp. cii. ciii. usque ad] . . . *Datum apud Auinion. xiiij. Kal. Aprilis pontificatus nostri anno quinto. Martinus episcopus . . . Datum Rome apud Sanctum Petrum iij° Ydus Maii pontificatus nostri anno nono.* Postquam omnia et singula supradicta, nos prefati Conseruator et Officialis . . . decernimus quod presenti transsumpto publico tanquam prescriptis bullis originalibus . . . debeat . . . indubitata fides adhiberi . . . Acta fuerunt hec apud Edinburgh in domo habitationis Vicarii eiusdem, ubi triginta sex deputati ex ordinatione trium statuum regni et Parliamenti in dicto burgo de Edinburgh Rege presente tenti, fuerunt solempniter tunc congregati, vicesima octaua die mensis Junii anno Domini millesimo quadriugentesimo quadragesimo quinto . . . presentibus ibidem reuerendis in Cristo patribus Jacobo episcopo Dunkeldensi cancellario Scocie, Johanne episcopo Glasguensi, Michaeli episcopo Dunblanensi, et Georgio episcopo Ergadiensi, necnon venerabilibus patribus Dominis Willelmo de Calko, Ricardo de Dunfermelyn, Jacobo de Lundoris, Patricio Sancte Crucis apud Edinburgh, Jacobo de Driburgh, Willelmo de Cupro, Johanne de Dere, Ricardo de Balmurynoch, et Jacobo de Kynloss abbatibus; ac etiam nobilibus et valentibus dominis, videlicet, Alexandro de Montegomery, Herberto domino de Maxwel, Patricio Lyon domino de Glammys, Johanne domino de Lyndesay de Biris, Alexandro Erwyn de Drum, Johanne Ogilvy de Luntrethyng, Johanne Skyrmegeour constabulario de Dunde, Dauid Murray de Gask, et Laurencio domino de Abirnethy militibus; Andrea domino le Gray de Foulis, Willelmo domino de Summervile armigeris; necnon honorabilibus et prouidis viris Johanne de Lenyntoun commissario de Edinburgh, Johanne de Hadyntoun commissario de Perth, Johanne Scrogis commissario de Abirdeyn, Willelmo de Strathzaqwyn commissario de Dunde, Andrea Rede commissario de Endernes, Waltero de Tulocb commissario de Monross, testibus ad premissa vocatis pari-

King James II. in Parliament renounces all claim to the personal estates of his Bishops on their death, A.D. 1449-50.

Here the matter rested for a few years, until a Parliament again met at Edinburgh, when eight Bishops—St. Andrews, Glasgow, Dunkeld, Murray, Dunblane, Brechin, Ross, Argyle—kneeling before the King in presence of all the earls, barons, freeholders and burgesses, set forth the injury which was inflicted upon their order after death by confiscation of their personal estates to the Crown, humbly besought him to redress the wrong, and laid at his feet the draft of a charter for that purpose. The draft was read aloud before the King and the three Estates; the Bishops and clergy prostrated themselves upon their knees; and their supplications were enforced by the earnest entreaties of the young Queen, the munificent founder of the Trinity College and Hospital at Edinburgh. The King could not refuse a prayer so preferred; his consent was ratified by the Estates; and the Chancellor was commanded to frame a charter in terms of the draft, and to deliver a copy of it under the great seal to every Bishop in the realm.[1] The charter was in the amplest terms; it not

ter et rogatis.'—(Reg. Episc. Brechin. vol. i. pp. 98-104. Wilk. Conc. Mag. Brit. et Hib. vol. iii. pp. 544-547.)

Bull of Pope Martin v. for inquiring into the charges of treason, etc., brought against Friar Finlay of Albany, bishop of Argyll, 13. May 1426.

The Bull of Pope Martin v., was issued at the request of King James I., preferred, no doubt, by the ambassadors—two bishops, two abbots, a prior, two knights and three priests—whom he sent to Rome in the summer of 1425. It commissioned the Bishops of St. Andrews and of Dunblane to inquire into the charges of treason and rebellion against the King, of flight from the realm, of desertion of his see, brought against Finlay of Albany, bishop of Argyll, a Dominican friar, who escaped to Ireland with James Stewart, son of the Regent Albany. —(Foedera, t. x. p. 344. edit. 1710. Chronic. Jac. I. p. 4. J. de Ford. Scotichron. lib. xvi. cap. 10.)

Papal Nuncios in Scotland, A.D. 1418.

Before he was raised to the episcopate, Friar Finlay appears to have been Vicar-General of the Friars Preachers in Scotland, and one of two commissioners sent to that country by Pope Martin v. in 1418 to persuade the Scots to withdraw their allegiance from the Antipope, Benedict XIII.: 'Eadem vaesania acti quidam Scoti, spreta Synodo Oecumenica Constantiensi, Antipapae adhaerebant. Ad quos in sinum ecclesiae reducendos Griffinus Roffensis episcopus et Finlaus ordinis Praedicatorum theologus renuntiati (Mart. Ep. Cur. pag. 87, 89 ad 95.) fuerunt Apostolicae Sedis Internuntii.'—(Raynald. Ann. Eccles. ann. 1418. § xv. vol. viii. p. 491. Rot. Scacc. Reg. Scot. no. 156. MS. Reg. House.)

Petition of the Scottish Bishops to the King in Parliament for leave to dispose of their moveables by will, 24. Jan. 1449-50.

[1] 'Die Sabbati, videlicet, vicesimo quarto mensis Januarij, anno Dominj millesimo quadringentesimo quadragesimo nono, in Parliamento excellentissimi principis ac domini, Domini Jacobi Secundi Regis Scotorum illustrissimi, tento apud Edinburghe in Pretorio eiusdem, in presentia omnium et singulorum dominorum comitum baronum et libere tenentium necon commissariorum omnium regni burgorum, reuerendi in Christo patres ac dominj, Jacobus, Willelmus, Joannes, Joannes, Robertos, Joannes, Thomas et Georgius, Sanctiandree, Glasguensis, Dunkeldensis, Morauiensis, Dunblanensis, Brechinensis, Rossensis, et Lismorensis episcopi, ad genua inclinati Supremo Domino nostro Regi proponentes nunciarunt, quod nonnulli tam suj quam quorundam antecessorum suorum officiarij, pretextu cuiusdam consuetudinis, que potius reputari debet abusio uel corruptela, omnia res et bona mobilia quecunque per Dominos Episcopos regni Scotie obtenta et possessa et que in uita sua obtinere poterant, ipsis Episcopis decedentibus, sibimet ipsis et prefati Dominj nostri Regis usibus ap-

only gave the Prelates full and free power to dispose of their moveables by will, renouncing all claim or pretension on the part of the Crown; but it provided that during tho vacancy of a see the fruits of tho Bishop's mensal churches and the revenues of his spirituality should be collected and administered by the Vicar-General, under account to tho Bishop's successor. Yet while thus liberal as to the Bishop's personal estate, the charter was carcful to reserve the King's right during vacancy to the real estato of tho see, and to tho advowson of all benefices in the Bishop's collation. But a declaration was added, that, in thus taking possession of the Bishop's domains, the Crown did not mean to eject the tenants, husbandmon, or labourers; on tho contrary, they were to abide in their lands until the see was filled.[1]

plicarunt et ceperunt, sic quod ad soluendum debita ipsorum Episcoporum decedentium, uel prouidendum pro suarum salute animarum seu ad legandum amicis defunctorum, nulla bona mobilia post ipsorum mortem remanserunt disponenda. Quamobrem prefati Dominj Episcopi Serenitatem suam Regiam pro oportuno remedio contra huiusmodi consuetudinem abusiuam humiliter exorantes, quandamque cedulam papiream forma minute ipsorum Prelatorum desideria continentem producentes, eam in audientia publica coram prefato Domino nostro Rege et tribus regni statibus perlegi publice petierunt . . . Quaquidem cedula perlecta et audita, omnes et singuli Episcopi supradicti ad genua prostrati, cum ceteris de clero in Parliamento existentibus, inclitissima Domina Maria Regina Scotie cum prelatis exorante, excellentissime suo Regia Maiestati instanter et humilime supplicabant, quatenus omnia et singula in prelecta minuta contenta cum omnibus et singulis suis punctis et articulis eis gratiose dignaretur concedere et donare. Rex autem attentis beneuolis seruitijs et diligentijs bonis et laboribus sumptuosis per prefatos prelatos a tempore sue infantie sibi factis, ac supplicacionibus illustrissime Domine Regine [et] predictorum Dominorum Episcoporum inclinatus, omnia et singula in dicta minuta expressata et contenta, cum omnibus suis punctis et articulis, ex sua liberalitate gratiosa ac ex deliberatione voluntate et consensibus trium regni statuum, gratiose concessit et donauit. Ac in sue concessionis approbationis et confirmationis omnium et singulorum in prescripta minuta contentorum fidem et testimonium, Supremus Dominus noster Rex suo consanguineo Willelmo domino le Creichtoune cancellario Scotie precepit vt cartam suam sub appensione magni sigilli suj cuilibet Episcoporum regni sui confici faceret et exhiberet.'—(Act. Parl. Scot. vol. ii. pp. 37, 38.)

[1] 'Jacobus Dei gracia Rex Scotorum . . . Cum . . . concepimus quod nonnulli tam nostri quam quorundam predicessorum nostrorum officiarij, pretextu cuiusdam consuetudinis longeui temporis obseruatione vt asseritur roborate, omnia res et bona mobilia que Episcopi regni nostri . . . tempore sui obitus optinebant . . . eisdem Episcopis decedentibus, de facto occupantes et vsurpantes sibimetipsis et nostris camere nostre vsibus conuertenda, racionibus in contrarium propositis non admissis, receperunt . . . Vnde nos clarissime memorie Dauid et Roberti predicessorum nostrorum Regum Scocie, qui dictam consuetudinem tanquam abusiuam et detestabilem reputantes eam aboleri decreuerunt . . . exempla sequi cupientes, abolemus reuocamus cassamus ac penitus annullamus . . . eam . . . Et vt hec nostre voluntatis ordinacio et mandatum firmum robur optineant . . . nos . . . ex deliberacione et decreto trium statuum regni nostri in parliamento nostro congregatorum concedimus . . . vt omnes et singuli ecclesiarum cathedralium regni nostri Episcopi, nunc existentes et futuri, plenam et liberam perpetuis futuris temporibus habeant testamentorum suorum factionem; necnon de omnibus et singulis rebus clinodijs jocalibus

Charter of King James II empowering the Scottish Bishops to bequeath their personal estates by will, 24. Jan. 1449-50.

A Provincial Council met at Perth in the year 1457. It seems to have been assembled, chiefly or altogether, to strengthen the Crown in its long-continued controversy with the Papal Court, as to the right of presentation to all benefices of ecclesiastical patronage, falling vacant between the death of one Bishop and the admission of his successor to the temporality of the see. The Council, without hesitation or reserve, declared for the Crown.[1]

Provincial Council at Perth, A.D. 1457.

Within two years another Provincial Council met in the same place for the same purpose, when the Bishop of Aberdeen was chosen Conservator. On the last day of its sitting, two commissioners from the King, a layman and a churchman, presented themselves before it, and

Provincial Council at Perth, 17-19 Jul. 1459.

ciphis tassis vtensilibus cocliaribus vasis aureis argentijs et deauratis bladis messibus peccoribus equis bobus vaccis ceterisque animalibus ac alijs bonis mobilibus quibuscunque nunc optontis seu postea per eos vel eorum aliquos optinendis, disponendi plenam et liberam habeant potestatem. Insuper . . . concedimus . . . vt prefatis . . . Episcopis eciam presentibus et futuris decedentibus, omnes et singuli fructus redditus prouentus et obuenciones ecclesiarum et beneficiorum quorumcunque ad Episcoporum mensas spectancium et omnia emolumenta qualitercunque ad spiritualitalem pertinencia, durantibus ipsarum ecclesiarum vacacionum temporibus, per Vicarios Generales eorundem . . . colligantur et disponantur. Volumus nichillominus . . . quod dicti . . . Vicarii Generales de omnibus . . . per eos recipiendis dictorum Episcoporum decidencium futuris successoribus immediatis compota reddant et ex illis racionem et solucionem reddere teneantur. Nos autem, ex predictarum ecclesiarum cathedralium vacacionibus, terrarum ecclesiasticarum firmas siue in victualibus vel pecuniarum summis consistant, necnon earundem terrarum exitus curiarum et temporalis jurisdictionis earundem emolumenta nostris et successorum nostrorum vsibus applicanda pro ipsarum terrarum ecclesiasticarum huiusmodi et jurisdictionis earundem gubernacione et custodia, vnacum jure presentandi ad ecclesias et ecclesiastica beneficia quecunque ad dictorum Episcoporum collaciones pleno jure spectantes et spectantia, nobis et successoribus nostris Regibus Scocie, durantibus predictarum ecclesiarum cathedralium vacacionum temporibus tantummodo, reseruamus. Per hanc tamen reseruacionem nolumus quod husbandi coloni seu agricole terrarum ecclesiarum predictarum cathedralium inhabitatores et firmarij expellantur vel remoueantur quoquomodo, sed quod in terris eis assedatis et possessis per eosdem singulis predictarum vaccacionium temporibus remaneant inexpulsi . . . In quorum omnium et singulorum fidem et testimonium premissorum magnum sigillum nostrum presenti scripto apponi precepimus . . . Apud Edinburghe vicesimoquarto die mensis Januarij ánno Domini m°.cccc°.xlix° et regni nostri xiij°.'—(Reg. Mag. Sig. lib. iv. no. 5. MS. Reg. House. Act. Parl. Scot. vol. ii. pp. 61, 62. Reg. Episc. Glasg. vol. ii. pp. 370-374. Reg. Episc. Aberd. vol. i. p. 254.) Cf. Act. Parl. Scot. vol. ii. pp. 37, 38.

A copy of the charter, dated on the 24th March 1450-1, is in the Reg. Episc. Glasg. vol. ii. p. 388; a copy, dated on the 24th September 1451, in the Reg. Episc. Brechin. vol. i. pp. 177-181, vol. ii. p. 91.

Lord Hailes, in his Historical Memorials of Scottish Provincial Councils, quotes a deed, dated 6th June 1450, making mention of the last General Council held at Perth in presence of the three estates of the realm, adding that 'it is doubtful whether a Provincial Council or a Parliament be here meant.' There can be no doubt now that the General Council referred to was a Parliament. —(Ann. of Scot. vol. iii. p. 252. Reg. de Dunferm. p. 313. Act. Parl. Scot. vol. ii. p. 65. Mr. Grub, Eccl. Hist. Scot. vol. i. p. 374.)

Supposed Provincial Council at Perth, before 6. June 1450.

[1] Pp. 79, 80. See above, pp. lxxiii.-lxxvi.

requested a renewal of the declaration made by tho Synod of 1457. The Council, after inquest of the clergy upon oath, found with one voice that by ancient and primitive use the King of Scots presented to all benefices in ecclesiastical patronago and the Ordinary's collation falling void in any manner of way, from the time that a see became vacant by the demission, deprivation, or death of one Bishop until another was admitted to its temporality.[1] Threo years afterwards an Act of Parliament was passed, which recited and engrossed the declarations of the Provincial Councils, and forbade any one, under severe penalties, to infringe an old and praiseworthy privilege which the Crown of Scotland had enjoyed from time immemorial.[2]

Right of the Scottish Crown to present to all benefices in ecclesiastical patronage during vacancies of Bishops' sees, A.D. 1459.

Provincial Council at Perth, 17-18 Jul. 1465.

A Provincial Council was held at Perth, on the feast of St. Kenelm the Martyr, in the year 1465. We know only that it sat for at least two days; and that the Bishop of Dunblane renounced in its presence all claim to the great tithes of the lands of Petlour in the parish of Abernethy, affirming that they belonged without doubt to the Lord Abbot of Arbroath and his convent. The contemporary record from which this is gathered further bears that the Council of the clergy was held yearly, according to ancient and approved use, by permission of tho Apostolic See.[3]

Provincial Council, July 1470.

A Provincial Council met in the summer of 1470. The Bishop of St. Andrews was chosen Conservator, and gave judgment in a question between the Rector of tho University, and tho Provost of St. Salvator's College at St. Andrews, as to the right of conferring degrees in theology and the arts, granted to the College by Pope Paul the Second.[4] This,

[1] Pp. 79, 80.

[2] Pp. 282, 283. Cf. Sir G. Mackenzie's Observ. on Act lxxxv. Parl. 12 K. James III., Works, vol. i. p. 219.

[3] See Appendix to the Preface, XV. Cf. Act. Parl. Scot. vol. ii. p. 58.

Mr. Grub (Eccl. Hist. Scot. vol. i. p. 374) seems to have misapprehended the record. It does not bear that the Bishop of Dunblane was Conservator. 'I know nothing of St. Kynelin, nor of the day of his festival,' says Lord Hailes. 'If his lordship,' Mr. Grub rejoins, 'had examined attentively the record which he quotes, he might have easily identified Kynelin with Kenelm the Martyr, whose festival was observed on the seventeenth of July.'—(Ann. of Scot. vol. iii. p. 253. Eccl. Hist. Scot. vol. i. p. 374.)

[4] 'I find a decreet pronounced by Archbishop Grahame and some assessors, in a Provinciall

it would seem, was the last Provincial Council of the Scottish clergy for more than sixty years[1]—the last that ever assembled without the presence or the authority of a Metropolitan and Primate.

Erection of St. Andrews into an Archiepiscopal and Metropolitan see, A.D. 1472.

In the year 1472, Pope Sixtus the Fourth, on the suit of Patrick Graham—the last of two grandsons of King Robert the Third who in succession held the bishopric of St. Andrews—erected it into an Archiepiscopal and Metropolitan see, with all Scotland for its province, and

Synod or Council holden upon the third or seventeenth of July 1470, for composing differences arisen upon a bull of Pope Paul the Second, betwixt Mr. John Locky, rector of the Universitie, and John Athilmare or Aldmaire, the first Provost of St. Salvator's Colledge. He is designed thus: *Dei et Apostolicae Sedis gratia Episcopus Sancti Andreae, Conservator Privilegiorum Ecclesiae Scoticanae.*'—(Mart. Reliq. D. Andreae, pp. 130, 236.) Cf. Lyon's Hist. of St. Andr. vol. i. p. 231; Rep. Scot. Univ. Comm. 1826-30: Evid. vol. iii. pp. 273, 274; Raynald. Annal. Eccles. ann. 1469, § XXXI. vol. x. p. 477.

Papal Legates to Scotland, A.D. 1485-88.

[1] In the year 1483, Pope Sixtus IV., on the suit of King James III., issued a brief, commanding the prelates and peers of Scotland to obey their sovereign: 'quod praelati et proceres regni obedientes sint coronae tuae.' Two years afterwards, Pope Innocent VIII., in a long and instructive bull, appointed the Bishop of Imola his Legate a Latere, commissioner, and ambassador in Scotland, to appease the still growing strife between the crown and the nobles. The Pope says, that having observed that ecclesiastical appointments were not now made in Scotland so quietly and harmoniously as formerly, he inquired into the cause: 'reperimus per relationem fidedignorum,' he proceeds, 'quod ea occasione praecipue eveniunt, quod nonnulli regnicolae in Regem et statum ejus cervicem erigere non erubuerunt, ac etiam ex multis inter regnicolas initis conspirationibus et confoederationibus, ex quibus bella, seditiones, turbationes, homicidia, agrorum depopulationes, hominum captivitates et alia mala innumera exorta fuere, et non solum ecclesia laniatur, Dei cultus diminuitur et contemnitur, sed justitia non ministratur, totumque regnum depauperatur et destruitur.' The Bishop of Imola was subsequently commissioned to present the King of Scots with the Golden Rose: 'tanquam,' says the Pope, 'nostri amoris in eum et suae virtutis eximiae pignus.' But if the Legate held any Council in Scotland, it has escaped record. In the year 1488, the same Pontiff commissioned another Legate, Adrian Castellesi of Corneto, a scholar of some note in his day, who afterwards became a Cardinal, to mediate between James and his disaffected subjects; but Parliament interposed to question the purpose for which the Legate was sent; before he could set foot in Scotland, the King was defeated and slain at Bannockburn; and the Pope, on a show of penitence, was content, in 1491, to annul the censures and penalties which he had fulminated against the disaffected in his bull of 1485.—(Raynald. Annal. Eccles. ann. 1484. § VI., ann. 1485. §§ XLVI.-LI., ann. 1486. § XLIX., ann. 1488. § II., vol. xi. pp. 60, 105-108, 131, 152. Act. Parl. Scot. vol. ii. pp. 183, 232. Theiner, Vet. Mon. Hib. et Scot. pp. 496-499. J. Ferrer. Continuat. H. Boet. Hist. Scot. foll. 401, 402. Bp. Lesley, Hist. Scot. pp. 52, 54, 56, 57. G. Buchanan. Hist. Rer. Scotic. lib. xii. cap. lix. T. Innes, Crit. Ess. vol. ii. pp. 837-9. Wilk. Conc. Mag. Brit. et Hib. vol. iii. pp. 634, 635. Lord Lindsay, Lives of the Lindsays, vol. i. pp. 459-461. Case of the Earl of Crawford and Balcarres claiming the original Dukedom of Montrose, pp. 5, 19, 20.)

Supposed Provincial Council at St. Andrews, April 1487.

Thomas Innes, followed by Lord Hailes, cites a writ from the Register of Arbroath to show that a Provincial Council was held at St. Andrews, by William archbishop of St. Andrews, in April 1487.—(Crit. Ess. vol. ii. p. 595. Ann. Scot. vol. iii. p. 253.)

But, as Mr. Grub has pointed out, the writ refers not to a Provincial Council of the Church of Scotland, but to a Synod of the diocese of St. Andrews.—(Eccl. Hist. Scot. vol. i. p. 387.)

The writ itself is printed in the Appendix to the Preface, X.

the bishops of Glasgow, Dunkeld, Aberdeen, Murray, Brechin, Dunblane, Ross, Caithness, Galloway, Argyle, the Sudreys or the Isles, and Orkney, for its suffragans.[1] The bull which created the Archbishopric, granted

Supposed Provincial Council at Edinburgh, A.D. 1512.

A statement by the Bishop of Ross, writing in 1571, has been generally received as proof that a Provincial Council met at Edinburgh in the year 1512: 'Thair wes ane Provinciall Counsall haldin in the Black Fryeris of Edinburgh, be tho haill clargy, bischoppis, abbotis, pryouris and utheris prelattis of the realme, quhair thair was ane Legat of the Papis, quha causit make ane taxacione of all the benefices that wes above fourty punds yeirly rent, callit Bayemontis Taxt, quhairthrouch the Paip and the King alsua mycht know the valour of the benefices, and to haif taxaciones thairof accordingly; the Paip for the annat and the bullis, and the King quhen any taxacione suld be had to be granted by the clargye.'—(Bp. Lesley, Hist. Scot. p. 84.) The passage runs thus in the Latin version: 'Hoc tempore Synodus Prouincialis episcoporum, abbatum, reliquorumque ecclesiasticorum, Edinburgi, in Coenobio Dominicano, praesente Pontificis Nuntio, Baiomano dicto, celebratur. In qua, communi omnium voce, etsi repugnantibus multorum voluntatibus, fuerat fixum, vt omnia sacerdotia, quorum reditus quadragenas libras excederent, Papae pensionem, decimarum ac diplomatum nomine, numerarent, Regique, pro ejus arbitratu, cum necessitas premeret, pecuniam quantamcunque penderent. Hic census in hanc vsque diem Baiomanus dicitur.'—(Lesl. De Reb. Gest. Scot. lib. viii. p. 356. edit. Rom. 1578.)

It need not be said that Boiamund's Taxation was made towards the end of the thirteenth, not in the beginning of the sixteenth century. See above, pp. lxv-lxx. No Papal Legate named Boiamund, no Papal Legate of any name, is known to have visited Scotland in 1512. Nor does there appear to be any other authority than Bishop Lesley's strangely blundered paragraphs for the meeting of a Provincial Council in that year.

No representatives of Scotland at the Council of Pisa, A.D. 1511-12.

King James IV. wrote to his uncle the King of Denmark on 29th January 1511-12, that he had called his prelates and peers together to deliberate on the question whether Scotland, which had stood aloof from the Council of Pisa, assembled by certain Cardinals under the influence of the French King, in September 1511, should send representatives to the Council of the Lateran appointed to meet, on the summons of Pope Julius II., in May 1512: 'Praelatos nostros et barones convenimus: de mittendis ad Concilium Legatis agitur.'—(Epist. Reg. Scot. vol. i. pp. 129-136, 146, 148, 149, 151, 164, 204, 208.) Cf. Raynald. Annal. Eccles. ann. 1512, §§ LXXXII.-LXXXV. vol. xi. pp. 663, 634.

But this obviously was not a Provincial Council.

Bull of Pope Sixtus IV. erecting St. Andrews into an Archiepiscopal and Metropolitan see, with twelve suffragans, 17. Aug. 1472.

[1] 'Sixtus episcopus etc. . . . Sane cum in inclito regno Scotie, in quo quamplurime Cathedrales insignes ecclesie fore noscuntur, nulla Metropolitana ecclesia esse diceretur, ac propterea opportere ipsius regni incolas pro singulis querelis quas contra locorum Ordinarios proponere pro tempore volunt et appellationibus quas in illorum curiis gravati interponunt, non sine maximis periculis incommodis et expensis ad Romanam Curiam recurrere aut eorum iura indiscussa relinquere, contigereque interdum causas ipsas ad forum vetitum deduci ac in illo tractari, et eosdem Ordinarios ob Metropolitani defectum Romanequo Curie distantiam liberiorem aggravandi et excedendi impune potestatem se habere putantes ad illicita proclivores existere, et excessus ac crimina quae per Metropolitanum in eorum provinciis puniri sunt solita in regno prefato ut plurimum impunita remanere; et venerabilem ecclesiam Sancti Andree dicti regni inter alias eiusdem regni ecclesias insignem et famosam, ac celebri civitate et ampla diocesi, in qua carissimus in Christo filius noster Jacobus Rex Scotie et eius predecessores Scotie Reges qui pro tempore fuerunt cum eorum curia ut plurimum residentiam facere soliti sunt, agroque irriguo circumdatam, cleri quoque et populi venustate decoratam, ac Metropolitica prelatione merito dignam existere: Nos . . . ecclesiam prefatam et sedem Episcopalem Sancti Andree in Metropolitanam et sedem Archiepiscopalem totius regni prefati . . . erigimus ac Metropolitane dignitatis et Archiepiscopalis honoris titulo de specialis dono gratie decoramus pariter et insignimus, eique Glasguensem et Dunkeldensem ac Aberdonensem necnon Moraviensem Brechinensem quoque et Dumblanensem ac Rossensem et Katanensem necnon Candidecase ac Lismorensem et Sodorensem sive Insularum ac Orkadensem ecclesias regni prefati cum earum civitatibus et dioce-

the honours of the Pall and the Cross to the Archbishop. If he asked the title of Primate, the powers of Legate Natus,[1] they were not conceded; but he received a commission as Apostolic Nuncio to Scotland that he

sibus iuribus ac pertinentiis universis, totumque regnum prefatum pro eius provincia Archiepiscopali, et earundem ecclesiarum prelatos pro eius suffraganeis ac civitatum et diocesium predictarum personas quaslibet pro suis provincialibus assignamus, ac perpetuo quoad Archiepiscopalia iura subicimus . . . ita quod ipse Archiepiscopus Sancti Andree in prefato regno et singulis illius civitatibus et diocesibus predictis ius Metropoliticum et Archiepiscopale sibi vindicet, Ipsique Glasguensis et Dunkeldensis ac Aberdonensis necnon Moraviensis Brechinensis quoque et Dumblanensis ac Rossensis et Katanensis necnon Candidecase et Lismorensis et Sodorensis sive Insularum ac Orkadensis Episcopi pro tempore existentes eidem Archiepiscopo Sancti Andree ut eorum Metropolitano et Archiepiscopo ad omnia et singula obligentur et sint astricti ad que suffraganei suis Metropolitanis tenentur et obligati existunt secundum canonicas sanctiones; nec non venerabili fratri nostro Patricio episcopo Sancti Andree et successoribus suis Sancti Andree presulibus qui pro tempore erunt, Pallium et Crucem in signum plenitudinis pontificalis officii et Archiepiscopalis dignitatis assignanda fore, ecclesiamque ipsam Sancti Andree Metropolitanam, et prefatum modernum et qui erunt pro tempore Sancti Andree presules predictos Archiepiscopos Sancti Andree censeri et perpetuis futuris temporibus nuncupari et nominari debere, Archiepiscopalia et Metropolitica insignia gerere, iura iurisdictiones ac omnia et singula que Metropolitani in eorum civitatibus diocesibus et provinciis de iure facere et exercere possunt, facere gerere et exercere exequi et administrare posse . . . decernimus . . . statuentes quod Archiepiscopus et ecclesia Sancti Andree prefati necnon dilecti filii ipsius ecclesie Sancti Andree Capitulum omnibus et singulis privilegiis exemptionibus immunitatibus gratiis et indultis Apostolicis et aliis quibuslibet potiantur et gaudeant quibus Archiepiscopi ecclesieque Metropolitane et earum Capitula uti possunt quomodolibet et gaudere de consuetudine vel de iure; quodque suffraganei predicti et eorum clerus et populus prefato Archiepiscopo eorum Metropolitano congruentes exhibeant reverentiam et honorem; ac decernentes exnunc irritum et inane si secus super hiis a quoquam quavis auctoritate scienter vel ignoranter contingeret attemptari . . . Datum Rome apud Sanctum Petrum anno incarnationis Dominice M.CCCC.LXXII. sextodecimo Kal. Septembris pontificatus nostri anno primo.'—(Theiner, Vet. Mon. Hib. et Scot. pp. 465-468, collated with a copy made from the register in the Roman Camera A.D. 1525, in the archives of Norway, printed, from a transcript by the late Professor Munch of Christiania, in the Scottish Magazine and Churchman's Review, vol. i. pp. 501-508, 563-569. Edinb. 1849.)

The Pope wrote to the King of Scots, commending the new Archbishop and Archbishopric to his favour and protection; and to the bishops, the chapters, the clergy, the people of the dioceses of Glasgow, Dunkeld, Aberdeen, Murray, Brechin, Dunblane, Ross, Caithness, Galloway, Argyle, the Sodreys or the Isles, and Orkney, charging them to yield all due honour and obedience to their Metropolitan.—(Ibid.)

For the better support of the Archiepiscopal dignity, the Pontiff added the Priory of Pittenweem or the Isle of May, and the parish churches of Laswade, Tyninghame, Forteviot, Inchbrayoc (now Craig), Tannadyce, Fettercairn, and Kinnel, to the number of the Archbishop's mensal benefices.—(Theiner, Mon. Vet. Hib. et Scot. pp. 468-470.)

The Pope further recalled the exemption from episcopal jurisdiction which had been conceded to the abbey of Kelso, to the abbey of Holyrood, to the collegiate church of St. Salvator at St. Andrews, to the collegiate church of St. Giles at Edinburgh, and subjected them to the Archbishop's authority.—(Theiner, Mon. Vet. Hib. et Scot. pp. 463, 464, 470, 471. Lib. S. Mar. de Calchou, vol. ii. pp. 331, 336, 337, 339, 353-359.)

[1] 'Legatorum autem Apostolicae Sedis tres sunt species. Quidam enim ab ipso fonte emanant, veluti Cardinales, qui de Latere Papae, cui semper assistant, mittantur, ac propterea *Legati de Latere* nuncupantur . . . Alij sunt Legati, qui non emanant, sed constituuntur, et eis specialiter aliquid committitur exequendum . . . Ille enim quem non Cardinalem mittit summus Pontifex, cum potestate Legationis, aut pro certo negotio ad alios principes, *Nuncius* appellatur . . . Tertii sunt Legati, qui

Three kinds of Papal Legates: the Legate a Latere, the Nuncio, the Legate Natus.

might more effectually levy subsidies and soldiers for a crusade against the Turks, who under the victorious standard of Mahomet the Second were spreading grief and terror through Europe.[1]

Erection of St. Andrews into an Archbishopric: opposition of York, A.D. 1472-1544.

The new pre-eminence of St. Andrews was not attained without opposition. The Archbishop of York, George Neville, brother of the King-making Earl of Warwick, was in prison, charged with treason, stripped of his temporalities. But fallen as he was, the Primate of England still lifted his voice against a measure which not only silenced the long-asserted pretensions of his church in the north, but robbed it of a suffragan, the Bishop of Galloway, who seems never to have questioned its supremacy.[2] The resistance was in vain; an enemy, the Pope replied, ought not to be Metropolitan of Scotland.[3] Forty years afterwards, in the flush of his

nec emanant, nec constituuntur, sed officium hoc habent dignitati connexum et *Legati Nati* dicuntur, quia eam dignitate quam acquirunt, fiunt ipso iure Legati, qualis est Cantuariensis Archiepiscopus . . . item Eboracensis in Anglia . . . Bituricensis in Aquitania superiori . . . et Rhemensis in Francia.'—(Barbosa, Jur. Eccles. Univ. lib. i. cap. v. §§ 2, 3, 6, 10. t. i. p. 83. edit. Lugd. 1677.) Cf. Mart. Reliq. D. Andr. pp. 49-51.

Archbishop Graham of St. Andrews, made Papal Nuncio in Scotland, to further a crusade against the Turks, 17. Feb. 1472-3.

[1] 'De Jacobo vero Rege Scotiae, qui inter primos obedientiam Pontifici praestitit, extant Sixti ad eundem Regem datae literae. Instituerat paulo ante Sixtus in Scotiae regno Archiepiscopatum, ac Metropolitano solio ecclesiam Sancti Andreae ornaverat studiis Parisii, qui primus Archipraesulares infulas gessit, rediturusque in Scotiam Internuntii Apostolici munere auctus est, ut bellica in eo regno praesidia adversus Turcas compararet: *Cum confidamus*, inquit, *ex eo regno quod nobilissimum intelligimus, et semper gloria Christianae religionis effulsisse, ac defendendae fidei curam habuisse praecipuam, nec non ex illius civitatibus et membris quorum incolae Romanae ecclesiae devotissimi semper fuere, subsidia et praesidia ad tam sanctum et Deo acceptabile opus provenire opportuna.* Data est eidem Internuntio amplissima authoritas, ut de reprimenda Turcarum ferocia cum Jacobo Rege Scotiae ac principibus colloquia faceret. Ad sustentandos vero sacrae militiae sumptus imperatae Scotico clero decumae fuerunt: caeteros autem, qui in militum stipendia unum duos tresve aureos conferrent, praemia indulgentiarum impertiit, ingentesque Turcarum progressus, qui ad obruendum occidentem ferocibus animis anhelarent, exposuit hoc diplomate: *Ad futuram rei memoriam . . . Datum Romae apud Sanctum Petrum anno incarnationis Dominicae* MCDLXXII. xiii. *Kal. Martii pontificatus nostri anno* II.'—(Raynald. Annal. Eccles. ann. 1472. §§ XVI.-XIX. vol. x. pp. 529, 530.)

The see of Whithern, long suffragan to York, admitted to the rights and liberties of other Scottish sees, A.D. 1430; made suffragan to St. Andrews, A.D. 1472.

[2] The Bishops of Galloway, although appearing in the Scottish Parliament towards the end of the thirteenth century, are found acting as suffragans of York as late, at least, as the year 1404.—(Hist. Dunelm. Script. Tres, p. lxxix. Mr. Raine's Prior. of Hexham, vol. i. pp. xxxiii. xxxiv. xlv. xlvi.; vol. ii. p. 201. Anglia Sacra, vol. ii. p. 383. Testament. Eborac. vol. i. pp. 310, 322. Fabric Rolls of York Minster, p. 235. Monast. Anglican. vol. iv. p. 275; vol. v. p. 597; vol. vi. pp. 1188, 1189. Extracts from the Registers at York in the Cott. MS. Vesp. c. xvi. foll. 93-95. Brit. Mus.)

In 1420, the Bishop of Galloway takes part in a Provincial Council of the Scottish church. See below, p. 77. The final withdrawal of the diocese from the obedience of the English Primate may have been encouraged or confirmed by the charter of King James I., in the year 1430, which for the first time admitted its prelates and clergy to the rights and liberties of the other prelates and clergy of Scotland.

I print this writ in the Appendix to the Preface, XXXIV.

[3] J. Ferrer. Continuat. H. Boet. Scot. Hist. foll.

triumph at Flodden, King Henry the Eighth urged Pope Leo the Tenth to restore York to its old Primacy beyond the Tweed, and to reduce St. Andrews to its former state.[1] Such for the moment were the relations between Whitehall and the Vatican that the request would probably have been granted;[2] but it had scarcely reached Rome before it was followed and superseded by another petition from the fickle King, praying that a partisan of England, Gavin Douglas, the translator of Virgil, might be made Archbishop of St. Andrews, Metropolitan and Primate of Scotland.[3] Although thus deserted by the State, York still cherished hope of redress from the Church. Archbishop Lee, the successor of Wolsey, meditated an appeal to the first General Council.[4] He little dreamed under what conditions it was to meet at Trent.

Erection of St. Andrews into an Archbishopric: opposition of Drontheim, A.D. 1472-1525.

York was not the only Metropolitan church which deemed its rights invaded by the erection of St. Andrews into an Archbishopric. The sees of the Sudreys and the Orkneys, the southern and the northern islands, were subjected to its authority, although both had been suffragans of the Archbishop of Nidaros or Drontheim, the Metropolitan of Norway.[5] The Sudreys or the Isles had been so long released from Norse rule, had

389, 390. G. Buchanan. Rer. Scotic. Hist. lib. xii. cap. 24. Bp. Lesley, Hist. Scot. pp. 40, 41. Abp. Spottiswoode, Hist. Ch. Scot. vol. i. pp. 115, 116. Mr. Raine's Fasti Eboracenses, vol. i. p. 32.

[1] Theiner, Vet. Mon. Hib. et Scot. pp. 511, 512.

[2] See the Pope's letters, dissuading the King of Scots from the invasion of England, congratulating the English King on his victory at Flodden, in Raynald. Annal. Eccles. ann. 1513. §§ LV.-LX. vol. xii. pp. 25-28. James had been denounced a schismatic by Pope Julius II. and his defeat and death were regarded as tokens of God's vengeance on his schism: 'Non solum'—it is Wolsey who speaks—'ipse Rex Scotiae erat in genere declaratus schismaticus ob adhaerentiam Regi Galliae, cum omnes adhaerentes Gallo Regi similiter essent schismatici, prout ipse Gallus schismaticus erat; sed immo ipse Rex Scotiae specialiter et expresse ac nominatim ut principalis schismaticus esset declaratus, ergo per consequens infidelis, de quo infideli victo a fidelibus gratiae Deo agendae essent.'—(Ibid.)

So, in an earlier age, the miserable death of the young Duke of Rothesay at Falkland, and the gloomy close of the reign of King Robert III., were interpreted as proofs of divine wrath against a nation which followed the Antipopes: 'Mirum est Reges omnes qui se schismatis laqueis temere irretierunt, infelices extitisse.' So, again, the death of King James II., by the bursting of a bombard before the walls of Roxburgh, was regarded as a just retribution for his rejection of the Pope's counsel to turn his arms against the Turk: 'Rex Scotiae contempta Christiana re in Angliam irruit: violentae necis praemia refert.'—(Ibid. ann. 1402. § II. vol. viii. p. 90; ann. 1457. § LIX. vol. x. p. 122.)

[3] Theiner, Vet. Mon. Hib. et Scot. p. 513.

[4] Drake's Hist. and Antiq. of York, book ii. ch. 3. p. 539.

[5] Langebek et Suhm, Script. Rer. Danic. t. vi. pp. 610-612, 619.

become so thoroughly Scottish, that there seems to have been no thought of now reclaiming their spiritual allegiance.[1] But Orkney was in a very different position. Only four years had passed since its civil dominion had been transferred in pledge, not in property, to the King of Scots; its people still spoke the Norse tongue, followed the Norse laws; the bishop who ruled at Kirkwall had sworn fealty at Copenhagen to the reigning King of Denmark; his predecessor had given suit and presence at the coronation of the King of Norway at Opslo.[2] Such a see was not to be relinquished without a murmur; and more than half a century elapsed before its subjection to the Scottish Archbishop ceased to be resented as a robbery of the Norse Metropolitan.[3]

The see of the Sudreys or the Isles, of old suffragan to Drontheim, made suffragan to St. Andrews: its division into the English see of Sodor and Man, and the Scottish see of the Isles.

[1] P. 293. The Bishops of the Sudreys sat in the Scottish Parliament, from the beginning of the fourteenth century, perhaps from the cession of the Isles to Scotland in 1266.—(Act. Parl. Scot. vol. i. p. 100, vol. ii. pp. 28, 113, 190.) But the law of the Scottish Church had not taken complete effect in the diocese even in 1552. See below, p. 130.

The English bishopric of Man, claiming, as its titles still claim, to be the bishopric also of the Sudreys, would seem to have been made suffragan to York by the Pope in 1458. Yet in 1542, the English Parliament thought it necessary to annex 'the bishopric and dioces of Manne, in the Isle of Manne' to the province of York, because 'tharchebishopp of Yorke hathe *within the realme of Englonde* oonlie two suffraganes.'—(Drake's Hist. and Antiq. of York, p. 539. Testament. Eborac. vol. ii. p. 253; vol. iii. pp. 332, 333, 335, 337. Act 33 Henr. VIII. cap. 31. Stat. of Realm, vol. iii. p. 870.)

The King of Scots, on the other hand, wrote to the Pope in 1498, 'for the erection of the abbacy of Colmkill [Iona] in the Bischoppis sete of the Ilis, quhil his principale kirk in the Ile of Man be reconrit fra Inglismen.'—(Orig. Paroch. Scot. vol. ii. p. 292.)

The see of Carlisle claimed as suffragan to Glasgow, A.D. 1472-92.

The 'Provinciale Episcopatuum,'—written apparently between 1472 and 1492—at the end of the fine MS. of the Scotichronicon in the Library of the University of Edinburgh, ranks both the Sudreys or Man, and Iona or the Isles among the bishoprics of Scotland—'Sodorensis siue Mannie, Ymorensis [*f. l.* Yuionensis] sine Insularum'—and gives Carlisle to England, but notes that it was claimed by Scotland: 'Carleonensis vel Cardonetensis, qui dicitur esse suffraganeus Glasguensis.' So also the 'Provinciale de omnibus Episcopatibus Mundi,' prefixed to the noble copy of the Scotichronicon, written in 1484 for Archbishop Scheves of St. Andrews, assigns the bishopric of the Sudreys or Man to Scotland, and the bishopric of Carlisle to England, but observes that the latter ought to belong to Scotland: 'Carleonensis vel Cardonetensis, qui debet esse suffraganeus Episcopo Glasguensi.'—(Harl. MSS. no. 712. Brit. Mus.) See above, pp. xxvii. xxviii.

The see of Orkney, long suffragan to Drontheim, made suffragan to St. Andrews, A.D. 1472.

[2] Torfaei Orcades, pp. 183, 186, 188, 189, 195-197. Mr. Balfour's Oppress. of Orkney and Zetland, pp. xii.-xiv. xvi. xxix. xxx. xxxv.-xxxvii. Bannat. Miscell. vol. iii. pp. 181-191.

The sovereignty of the Orkneys is mortgaged to Scotland in September 1468. The Bishop of Orkney appears in the Scottish Parliament in November 1469. The earldom of Orkney passes to the Scottish King in May 1471. It is annexed to the Scottish Crown in February 1471-2. On the same day the bishopric of Orkney is taxed along with the other Scottish bishoprics.—(Act. Parl. Scot. vol. ii. pp. 93, 98, 101-103. Act. Dom. Audit. p. 9.) Yet the ecclesiastical laws and usages of Scotland were not fully established in the diocese in 1549. See below, pp. 111, 112.

[3] See the 'Judicium et informatio Zutphelli Wardenbergi, praepositi Gustroviensis et scriptoris Apostolici, quid agendum sit ab Archiepiscopo Nidrosiensi in negotio recuperandi Ecclesiam Orcadensem, olim suffraganeam dictae Sedis Archi-

Erection of St. Andrews into an Archbishopric: opposition of the King and the Bishops of Scotland; fate of the first Archbishop, A.D. 1472-78.

But the new jurisdiction of St. Andrews found its worst enomies at home. It had been erected without the consent, without the knowledge, either of the King or of the Bishops of Scotland; and it was vigorously resisted by both. The Bishops considered themselves especially aggrieved. They were subjected as suffragans to a prelate whose equals they had so long been;[1] and as if the character and powers of a Metropolitan were not sufficiently offensive, he came among them with the odious commission of an Apostolic Nuncio to extort a tithe of their benefices for a war against the Turks. In their indignation they taxed themselves in twelve thousand merks,[2] and making common cause with the King and the Court, precipitated a conflict which proved fatal to the Archbishop. Obstructed and assailed on every side—impoverished, imprisoned, excommunicated—his reason at last gave way.[3] A Papal Nuncio, sent to Scotland at the request of the King, and of the chapter, the clergy, the University of St. Andrews, found it provod that the now Metropolitan refused obedience to the Pope's commands; that he said mass, sometimes thrice a day, while under the sentences of excommunication, suspension, and interdict; that he reviled and blasphemed the Holy See; that he proclaimed himself a Pope chosen of God and crowned by an Angel to reform the church; that as such he despatched Legates to divers regions of the earth, created Prothonotaries, appointed a Bishop; that he revoked indulgences issued by the Apostolic See, affirming that they wore granted

episcopalis, sed nunc fraudulenter (sicut allegatur) Archiepiscopis Sanctae Andreae subjectam,' written from Rome in March 1525, preserved in the archives of Norway, and printed, from a transcript by the late Professor Munch, in the Scottish Magazine, vol. i. pp. 564-569.

[1] 'Hanc subjectionem Episcopi quidam aegre tulerunt. Nulli enim hacteaus Metropolitano sed ecclesiae tantum Romanae nullo mediante juxta tenorem rescriptorum Summorum Pontificum, subjecti fuerant; et per annos plusquam ducentos assueti munia Metropolitani sub titulo Conservatoris . . . vicissim exercere. Advertentes igitur se ab hac honoris praerogativa per erectionem Metropolitani in perpetuum excludendos, quidam ex ipsis privatis magis commodis studentes quam Ecclesiae Scoticanae honori et utilitatibus, coeperant inter se murmurare, deinde in apertas querimonias erumpere, Regis et aulicorum animos contra novum Archiepiscopum occupare. His se adjungentes Archiepiscopi hostes et aemuli, tot eum criminationibus oneraruut non tantum apud Regem sed apud Summum Pontificem, ut utrique aulae tam Scoticae quam Romanae invisum reddiderint.' —(T. Innes, De Synod. Vet. apud Scot., in Wilk. Conc. Mag. Brit. et Hib. vol. i. p. xxxi.)

[2] Bp. Lesley, Hist. of Scot. p. 41.

[3] G. Buchanan. Rer. Scotic. Hist. lib. xii. cap. 35. Abp. Spottiswoode's Hist. Ch. Scot. vol. i. p. 118

for the sake of lucre. For these and other acts of oppression, simony, heresy, and schism, the Pontiff deposed him from his Archbishopric, degraded him from all holy orders and office, and condemned him to captivity for life within the walls of a monastery.[1] His first prison was Inchcolm, in tho Firth of Forth; in fear lest an English fleet might make a descent upon its shores, he was hurried inland to Dunfermline; and from Dunfermline ho was carriod to Lochleven, to find a grave in the ancient priory of St. Serf's Inch.[2]

William Scheves, archdeacon of St. Andrews, had been Archbishop Graham's coadjutor during his mental incapacity,[3] and became his suc-

Bull of Pope Sixtus IV., deposing the first Archbishop of St. Andrews, 9 Jan. 1478.

[1] The Nuncio was Dr. John Huseman, of the diocese of Cologne. His commission is dated in December 1476.

The evidence which he collected was referred by the Pope to three Cardinals: 'Qui vocato dicto Patritio [Archiepiscopo Sancti Andree] . . . processum ipsum aperuerunt, et cuncta in illo contenta diligentissime et accurate rimantes, que in eo continebantur fideliter retulerunt; constatque liquido . . . eundem Patritium ecclesiam Sancti Andree predictam male detestabiliter et minus debite gubernasse, et erga illius subditos ecclesiasticos et seculares, colonos quoque et redditarios, necnon doctores magistros et scolares Universitatis Sancti Andree, nimia sevitia tirannice usum fore, et proinde illorum et dicte ecclesie statum plurimum lesisse et annichilasse; litteras nostras Apostolicas ausu temerario rasisse et falsificasse; mandata nostra Apostolica sprevisse illisque obedire ut tenebatur publice et expresse recusasse; censuras ecclesiasticas in eum diversimode latas et rite promulgatas contempsisse, et illis ac diversis aliis excommunicationum suspensionum et interdicti sententiis innodatum, in illarum et clavium ecclesie contemptum, Missas etiam trinas singulis diebus celebrasse, quasi per annum in illisque insorduisse et insordescere de presenti, irregularitatem contrahendo; simonie labem sepius et diversimode cum diversis personis et circa diversorum beneficiorum collationes commisisse; maledicentia quoque opprobria detractiones blasphemias et iniuriosa verba contra hanc Sacrosanctam Sedem et auctoritatem nostram Apostolicam, etiam in . . . iudicis et commissarii presentia, tam iudicialiter quam extra, multis et notabilibus personis astantibus, sepe et sepius protulisse; se ipsum Papam a Deo electum et ab Angelo ad reformandam ecclesiam coronatum falso et turpiter ac crudeliter appellando, et quod peius est pro tali etiam sese de facto gerendo et reputando, et ad ea que nobis et huiusmodi Sancte Sedi dumtaxat in signum specialis preeminentie resumpta sunt, manus extendendo, Legatos scilicet ut ipse asserit ad diversas mundi partes destinando, ac Prothonotarios creando; ecclesie Rossensi in partibus illis tunc vacanti de persona cuiusdem Jacobi Werk asserti presbiteri dilecti filii Comitis Insularum capellani, providendo; indulgentias quoque per nos et predecessores nostros, asserens illas ob questum pecuniarum concessas, preter eas que ad Festum Corporis Christi concesse existunt, revocando; et hiis similia dicendo et faciendo heresis et scismatis crimina diversimode contraxisse et periurii reatum incurrisse, aliaque quamplurima gravissima et nefanda excessus et crimina perpetrasse, et in hiis omnibus pertinacem obstinatum et incorrigibilem esse obdurare et persistere, ac super illis in partibus illis publice notatum et diffamatum, ac ulterius sine magno scandalo cleri et populi in prelatura dicte ecclesie Sancti Andree tolerari non posse.'

Sentence of deposition and degradation followed on the 9th January 1478.—(Theiner, Vet. Mon. Hib. et Scot. pp. 479-481.)

[2] G. Buchanan. Rer. Scotic. Hist. lib. xii. capp. 32-35. Bp. Lesley, Hist. Scot. pp. 42, 43. Abp. Spottiswoode, Hist. Ch. Scot. vol. i. pp. 115-118.

[3] Regist. Episc. Brechin. vol. i. p. 200. Theiner, Vet. Mon. Hib. et Scot. p. 479. Miscell. Spald. Club, vol. ii. pp. 252, 253.

cessor when he was deposed. The new Metropolitan was consecrated and received the Pall and the Cross in the conventual church of Holyrood, on Passion Sunday 1478.[1] The presence of the King and Court assured him of the favour and support of the state. Two years afterwards, tho death of Thomas Spence, bishop of Aberdeen, who had procured for

[1] Bp. Lesley, Hist. Scot. p. 43.

Ceremonial at delivering the Pall and the Cross to the Archbishop of St. Andrews (Cardinal Beaton), Feb. 1539.

A writ in the St. Andrew's Formulare—the 'Processus traditionis Pallii Archiepiscopo consecrato vigore commissionis Apostolice desuper facte'—preserves a relation by the Bishop of Galloway and the Chapel Royal of Stirling, of his delivery of the Pall and the Cross to Archbishop David Beaton of St. Andrews:

'Vniuersis . . . sancte matris ecclesie filiis . . . Henricus Dei et Apostolice Sedis gratia Candidecase et Capelle Regie Strivelingensis Episcopus . . . executor . . . delegatus ad infrascripta . . . a Sanctissimo Domino nostro Papa Sanctaque Sede Apostolice specialiter deputatus, Salutem. Literas Sanctissimi in Christo patris et domini nostri Domini Pauli diuina prouidentia Pape Tertii eius vero bulla plumbea . . . bullatas . . . nobis per Reuerendissimum in Christo patrem et dominum Dominum Dauid miseratione diuina Archiepiscopum Sanctiandree totius regni Scotie Primatem et Apostolice Sedis Legatum Natum necnon et Mirapicensis ecclesie in Gallia administratorem, presentatas, nos cum ea qua decuit reuerentia noueritis recepisse huiusmodi sub tenore: *Paulus episcopus seruus seruorum Dei etc.* Post quarumquidem Literarum Apostolicarum presentacionem et recepcionem . . . fuimus per dictum Reuerendissimum patrem Dominum Dauid Archiepiscopum Sanctiandree personaliter . . . requisiti quatenus ad executionem dictarum Literarum . . . procedere curaremus. Nos igitur . . . rocheto mitra simplici stola et pluuiali vt moris est in similibus juxta formam Pontificalis induti, attendentes requisitionem huiusmodi fore justam . . . volentesque mandatum Apostolicum nobis commissum reuerenter exequi ut tenemur: Primo tamen et ante omnia comperimus dictum Reuerendissimum patrem Dominum Dauid archiepiscopum Sanctiandree alias munus consecrationis in vim commissionis Apostolice, ab Episcopo Catholico graciam et communionem Sancte Sedis Apostolice obtinente et executionem sui officii habente, rite et canonice suscepisse, ac etiam Coadiutoris officium in quo bone memorie Domino Jacobo dum viueret Archiepiscopo Sanctiandree in regimine et administratione ecclesie Sanctiandree Apostolica auctoritate deputatus et constitutus fuerat, per obitum dicti Domini Jacobi Archiepiscopi, qui extra Romanam curiam et in partibus die Veneris videlicet decimaquarta mensis instantis Februarii debitum nature persoluit, corpusque suum honorifice ut decebat ecclesiastice traditum sepulture, cessasse et cessare: Idcirco Apostolica auctoritate nobis commissa . . . recepto primitus per nos a dicto Reuerendissimo patre Domino Dauid Archiepiscopo Sanctiandree, coram nobis propter hoc coram summo altari ecclesie monasterialis Sancte Crucis ordinis Sancti Augustini Sanctiandree diocesis tempore celebracionis diuinorum, et in cleri et populi ad diuina audienda inibi congregatorum presentia, genibus flexis constituto, et omnibus pontificalibus ornamentis (exceptis duntaxat mitra et cyrothecis) vt moris est in similibus induto, Sanctissimi Domini nostri Pape et Sancte Romane Ecclesie nomine, solito . . . per eum integraliter de verbo ad verbum perlecto, ad Sancta Dei Ewangelia in manibus nostris prestito et per eum emisso juramento: Ad honorem Dei Omnipotentis et Beate Marie Virginis ac Beatorum Apostolorum Petri et Pauli et Sanctissimi Domini nostri Domini Pauli Pape Tertii prefati et Sancte Romane Ecclesie necnon Ecclesie Sanctiandree, sibi Domino Dauid Archiepiscopo commisse, eidem Pallium insigne de corpore Beati Petri sumptum, plenitudinem videlicet pontificalis officii, a dicto Sanctissimo Domino nostro Papa et Sancta Apostolica Sede prefata per manus discreti viri Domini D. C. canonici ecclesie N. destinatum, seruatis per nos singulis solennitatibus et cerimoniis in talibus seruari solitis et consuetis, manibus nostris tradidimus et assignauimus, ac humeris suis, vt eo infra ecclesiam suam certis diebus in priuilegiis ei ab Apostolica Sede concessis vtatur, imposuimus . . . Quibusquidem traditione assignatione et impositione . . . sic . . . per nos rite factis, prefatum Reuerendissimum patrem Dominum Dauid Archiepiscopum Sanctiandree vsque ad medium summi altaris dicte ecclesie Sancte Crucis per manus duximus, et ibidem sibi Crucem

that northern see, so long as he should live, exemption from the authority of St. Andrews,[1] took away another obstacle from the Archbishop's path. And nothing seemed wanting to the fulness and security of his rule, when Pope Innocent the Eighth erected St. Andrews into a Primatial church, and made the Archbishop Primate of all Scotland, and Legate Natus of the Apostolic See, with the same rights and honours which were enjoyed by the Archbishop of Canterbury as Legate Natus of England.[2]

The Archbishop of St. Andrews made Primate and Legate Natus of Scotland, A.D. 1487.

per Archiepiscopum Sanctiandree et coram eo in publico deferri et gestari solitam per eam de cetera et coram eo quoad uixerit in signum Archiepiscopalis honoris et dignitatis deferri et gestari deb[itam] ad manus deliberauimus: Qua per eum recepta idem prefatus Reuerendissimus pater Dauid Archiepiscopus Sanctiandree, ad clerum et populum in dicta ecclesia monasteriali Sancte Crucis in magna multitudine ad diuina audienda congregatos, conuersus, capite discooperto et detecto, Crucemque predictam in sinistra eius manu tenente, et Pallium huiusmodi humeris suis supra casulam portante et gestante, clerum et populum predictos alta intelligibilique voce cantando *In nomine Dei Patris et Filii et Spiritus sancti* benedixit. Quibus omnibus . . . peractis, ad vestibulum dicte ecclesie Sancte Crucis accessimus, et inibi nos ornamentis pontificalibus predictis deuestiuimus et ad propria remeauimus . . . In quorum . . . testimonium premissorum presentes literas patentes . . . exinde fieri et per notarium publicum subscriptum . . . subscribi et publicari mandauimus, sigillique nostri rotundi . . . fecimus appensione communiri. Datum et actum in prefata ecclesia monasteriali Sancte Crucis, et coram summo altari eiusdem tempore diuinorum immediate ante Summam Missam hora decima ante meridiem vel eocirca sub anno incarnacionis Dominice, etc.'—(Formulare Instrument. Ecclesiast. foll. 464, 465. MS. Bibl. Univ. S. Andr.)

Bull of Pope Sixtus IV. exempting the see of Aberdeen, during the life of Bishop Thomas Spence, from the jurisdiction of St. Andrews, 14. Feb. 1473.

[1] 'Sixtus Episcopus etc. venerabili fratri Thome episcopo Aberdonensi, salutem . . . Exhibita siquidem nobis nuper pro parte tua petitio continebat quod licet ecclesia tua Aberdonensis ab eius primeva institutione, quemadmodum alie regni Scotie Cathedrales ecclesie et earum Prelati, fuerit Romane ecclesie nullo medio subiecta; nichilominus venerabilis frater noster Patritius Archiepiscopus Sancti Andree te et Prelatos aliosque tibi subiectos necnon ecclesiam tuam huiusmodi pretextu certorum privilegiorum per eum a Sede Apostolica ut asserit impertitorum, sibi subiectos fore ac in vos iurisdictionem Metropoliticam habere minus veraciter asserit; et quamquam tu a premissis ad Sedem predictam appellaveris, tamen tam pro eo quia senio confectus es quam ex certis aliis rationabilibus causis grave admodum tibi existat cum dicto Patritio Archiepiscopo premissorum occasione litigare: Quare tam pro parte carissimi in Christo filii nostri Jacobi Scotorum Regis illustris quam tua fuit nobis humiliter supplicatum, ut ne, presertim temporibus tuis, privilegia iura et libertates dicte ecclesie tue pereant, super hiis oportune providere de benignitate Apostolica dignaremur: Nos igitur . . . te et ecclesiam tuam predictam ac Prelatos et subditos tuos tam ecclesiasticos quam seculares in civitate et diocesi Aberdonensi constitutos, quamdiu vixeris, ab omni iurisdictione superioritate dominio et potestate Patritii predicti et qui erunt interim Archiepiscopi Sancti Andree eorumque Vicariorum et Officialium auctoritate Apostolica tenore presentium eximimus et totaliter liberamus, ac nobis et eidem Sedi immediate subiectos fore decernimus . . . Datum Rome apud S. Petrum anno etc. M.CCCC.LXXIII. sextodecimo Kal. Martii, pontificatus nostri anno tertio.'—(Theiner, Vet. Mon. Hib. et. Scot. pp. 473-474.)

The exemption of the see of Aberdeen ceased by the death of Bishop Thomas Spence in the spring of 1480. But ten years afterwards, the Archbishop is found contending against a like exemption which the Pope, on the suit of King James III., had granted to John of Ireland, a Paris doctor of divinity, the Scottish King's confessor and counsellor at home, his frequent ambassador abroad. The issue of the contest is unknown.—(Mr. Rawdon Brown's Calend. of State Papers at Venice, vol. i. p. 199, no. 595.)

[2] 'Innocentius episcopus seruus seruorum Dei

Primacy of St. Andrews opposed by Glasgow.

But scarcely was this new supremacy established before it was challenged and invaded. The see of Glasgow, that 'mother of many

Bull of Pope Innocent VIII., erecting the Archiepiscopal and Metropolitan church of St. Andrews into a Primatial and Legatine see, 27. Mar. 1487

. . . Ad sanctam . . . et venerabilem ecclesiam Sanctiandree regni Scotie, quam recolende memorie Sixtus Papa Quartus predecessor noster Archiepiscopali dignitate et honore decorauit, personam quoque venerabilis fratris nostri Villelmi Scheves Archiepiscopi Sanctiandree, pro parte charissimi in Christo filii nostri Jacobi Scotorum Regie illustris ad prestandum nobis et Apostolice Sedi obedientiam oratoris principaliter destinati . . . nostre dirigentes consideracionis intuitum, et attente prospicientes quod ecclesia Sanctiandree inter alias dicti regni ecclesias, et prefatus Vilhelmus Archiepiscopus inter alios eiusdem Prelatos, dignitate excellentia virtutibus et preeminentia pollet . . . ecclesiam ipsam ad Omnipotentis Dei laudem et gloriam ac eiusdem Sanctiandree cuius dedicata est nomine in ecclesiam Primat[ial]em, ipsumque Villelmum et pro tempore existentem Archiepiscopum Primatem et Legatum totius regni predicti . . . auctoritate Apostolica . . . creamus . . . et illam ac prefatos Villelmum et pro tempore existentem Archiepiscopum Sanctiandree preter Archiepiscopalem qua fungitur Primatiali et Legati Nati dignitate preeminentia superioritate auctoritate jurisdictione imperio et potestate decoramus . . . ac . . . ordinamus quod prefatus Villelmus et pro tempore existens Archiepiscopus Sanctiandree in regno predicto perpetuis futuris temporibus Primas et Legatus Natus existat, ac in cathedrales ac alias ecclesias eorumque prelatos officiales et vicarios generales monasteria et illorum abbates capitula conuentus ac prioratus prepositatus dignitates personatus administrationes et officia canonicatus et prebendas aliaque beneficia ecclesiastica obtinentes vniuersumque clerum et populum dicti regni omni superioritate auctoritate preeminentia jurisdictione imperio dominio et potestate quibus Archiepiscopi alii Primates et Legati Nati infra metas eorum Archiepiscopatus Primatie et Legationis . . . gaudent . . . gaudere possint et debeant . . . episcopis abbatibus officialibus vicariis capitulis conventibus et personis quibuslibet cleri et populi dicti regni districte precipiendo mandantes vt in his que ad Archiepiscopalia Primatie et Legationis officia dignitates pertinent eidem Vilhelmo et pro tempore presuli dicte ecclesie Sanctiandree eorum Archiepiscopo Primati et Legato Nato efficaciter pareant et intendant eiusque monitis et mandatis salubribus studeant firmiter obedire; et in concernentibus Archiepiscopalia Primatie et Legationis huiusmodi officia iura et eorum liberum exercitium honores onera et emolumenta obseruent teneant firmiter et inuiolabiliter studeant perimplere laudabiles consuetudines inclite Ecclesie Metropolitane Cantuariensis cuius presul regni Anglie Legatus Natus existit, illas hic ac si de verbo ad verbum exprimerentur . . . ad prefatam Prouinciam Archiepiscopatum Primatiam et Legationem Sanctiandree . . . extendimus . . . ac volumus pari modo consuetudines huiusmodi sicut in dicta Cantuariensi Primatia et Legatione obseruentur in regno et prouintia Scotie . . . perpetuis futuris temporibus inuiolabiliter obseruari . . . Datum Rome apud Sanctum Petrum anno incarnacionis Dominice millesimo quadringentesimo octuagesimo septimo, sexto Kal. Aprilis pontificatus nostri anno tertio.'—(Lib. Georgii Makeson notarii publici in archiuis Romane Curie matriculati 7. Decembris 1554, pp. 102-105. MS.) Cf. Camd. Britana. p. 703. edit. 1607; Raynald. Annal. Eccles. ann. 1487. § XXXII. vol. xi. p. 150; Bp. Keith's Catal. Scot. Bish. p. 32. edit. 1824.

Ceremonial at rendering the obedience of Scotland to a new Pope, A.D. 1520.

As to the Archbishop's embassy to Rome, made at his own cost, to lay the allegiance of Scotland at the feet of the newly-crowned Pope, see Act. Parl. Scot. vol. ii. pp. 170-172. An account of the ceremonial observed on such occasions is preserved in a notarial instrument relating how, in June 1520, the Regent Albany, in name of his young sovereign, King James V., rendered obedience to Pope Leo X., prostrating himself on the ground, and humbly kissing the Pontiff's feet; how his Holiness, raising the Regent's head with both hands, kissed his cheek; how the Master of Ceremonies, accompanied by two Prelates, ushered the Regent to a seat among the Cardinals; how the Scottish nobles in the Regent's train knelt on their knees and kissed the Pope's feet.—(Raynald. Annal. Eccles. ann. 1520. § XC. vol. xii. pp. 310, 311.) Cf. Theiner, Vet. Mon. Hib. et Scot. p. 520.

Medal struck by the first Primate of Scotland, A.D. 1491.

The first Primate and Legate Natus of Scotland commemorated his person and his titles by a medal, struck apparently in Flanders, showing his bust on one side, his cross and his arms on the other, with the circumscription, WILHELMVS. SCHEVEZ. SANCTI. ANDREE. ARCHIEPISCOPVS. LEGA-

Lofty claims of Glasgow, 'the chosen child of Rome,' 'the parent of many nations:' the King of Scots one of her canons.

races,"[1] as she was called of old—the ancient bishopric of the principality of Cumbria, the kingdom of Strathclyde—claimed from the beginning to have been acknowledged as the peculiar daughter of the Apostolic See.[2] She boasted that her prelates, the successors of St. Kentigern, the bishops of the Britons, had received the homage and were the lords of princes,[3] had never been subject to any other prelate, were indeed Vicars of the Pope.[2] She numbered a crowned King among her canons, with a stall in the choir, and a place, a vote, a voice, in the chapter of her cathedral.[4] She had withstood York in its best days, and would not bend the knee to St. Andrews now.

Exemption of Glasgow from the jurisdiction of St. Andrews, A.D. 1488.

In the summer of 1488, Pope Innocent the Eighth granted to Glasgow, during the life of its bishop, the same exemption from the authority of St. Andrews which Pope Sixtus the Fourth had twelve years before conceded to Aberdeen.[5] But the see of St. Kentigern was not to be satisfied

TVS . NATVS . ET . TOTIVS . REGNI . SCOTIE . PRIMAS. 1491.—(Mr. Albert Way, Catal. Arch. Mus. Edinb. 1856, pp. 221, 222.)

The seal of his successor is inscribed, SIGILLUM JACOBI SANCTI ANDREE PRIMATIS, SEDIS APOSTOLICE LEGATI, DUCIS ROSSIE, MARCHIONIS ORMONDE, COMITIS DE ARDMANACHI, DOMINI DE BRECHIEN.

The legend on the seal of the third Archbishop is, SIGILLUM ALEXANDRI SANCTI ANDREE ARCHIEPISCOPI, TOTIUS REGNI SCOTIE PRIMATIS, APOSTOLICE SEDIS LEGATI, AC COMMENDATARII DE DUNFERMLINO.

The diocese of Glasgow peopled by Normans, English, Scots, Galwegians, Welsh, A.D. 1189-1192.

[1] 'Mater multarum gentiam.' It is the expression of King William the Lion in a charter between the years 1189 and 1192. Can it allude to the nations whom he names in another charter—'Franci et Angli, Scotti et Galwienses et Walenses'?—(Reg. Episc. Glasg. vol. i. pp. 63, 66.)

[2] See above, pp. xxxiv. xxxv.

Homage of the King of Strathclyde, to St. Kentigern.

[3] Rex itaque Rederech . . . vestibus . . . regiis se exuens, genibus flexis, et manibus incutiens, cum consensu et consilio magnatum suorum, hominium suum Sancto Kentegerno obtulit; eique dominium et principatum super universum regnum suum tradidit . . . Unde mos inolovit ut per multorum annorum curricula, quamdiu regnum Cambrinum in suo statu perduravit, semper Princeps Episcopo subditus fieret.'—(Jocel. Vit. S. Kentegerni, cap. xxxiii.)

[4] King James the Fourth.—(Reg. Episc. Glasg. vol. ii. pp. 465, 482.) His devotion was hereditary. The religious temper of his father—a true Stewart in this as in other things—was less remarkable than the piety of his mother, Margaret of Denmark, whose life seems to have been such as to claim for her a place in the kalendar of the church. See the commission of Pope Innocent VIII. in 1487, appointing the Archbishop of St. Andrews, the Bishop of Glasgow, the Bishop-elect of Aberdeen, the Abbot of Holyrood, to inquire into her virtues and miracles, in Raynald. Annal. Eccles. ann. 1487. §§ XXVI.-XXXII. vol. xi. pp. 149, 150, or in Theiner, Vet. Mon. Hib. et Scot. pp. 499, 500.

Proposed canonization of Margaret of Denmark, Queen of King James III. of Scotland. A.D. 1487.

[5] 'Innocentius Episcopus etc. Venerabili fratri Roberto episcopo Glasguensi, salutem etc. . . . Sane, sicut accepimus, inter te et venerabilem fratrem nostrum Willelmum archiepiscopum Sancti Andree, Primatem et Legatum Natum, post vestrum a Romana Curia, ad quam pro prestanda nobis et dicte Sedi obedientia pro parte carissimi in Christo filii nostri Jacobi Scotorum Regis illustris oratores veneratis, discessum, diverse contentiones et lites exorte fuerunt. Nos igitur qui, dum tu et dictus Archiepiscopus apud nos constituti essetis, prefato Archiepiscopo ac te et ecclesiam ac civitatem et

Bull of Pope Innocent VIII. exempting Glasgow from all jurisdiction of St. Andrews, 25. Jan. 1488.

Act of Parliament for the erection of Glasgow into an Archbishopric, 14. Jan. 1488-9.

by oxemptions. It aspired to equal rank and equal power.[1] At its instance, the Parliament passed an Act declaring that the honour and public good of the realm required that the see of Glasgow should be erected into an Archbishopric, with the dignities, immunities, and privileges of the Archbishopric of York, and enacting severe penalties on all who should oppose the erection.[2] The Chancellor, in name of the three estates, the clorgy, the nobles, the commons, communicated their ordinance to the Popo;[3] and the King again and again wrote to his Holiness, imploring with characteristic vehemence that the Bishop of the famous church of Glasgow—surpassing the other cathedral churches of Scotland in its fabric, its scholars, its revenues, its appointments,[4] its prerogatives—might be raised to the rank of Metropolitan, Primate and Legate Natus.[5]

Glasgow made an Archiepiscopal and Metropolitan see, A.D. 1492.

Such entreaties, urged in such a tone, were not to be resisted. At length, however reluctantly, Pope Innocont the Eighth crected Glasgow into an Archiepiscopal and Metropolitan see, with the hishops of Dunkeld, Dun-

diocesim tuas predictas quovis modo molestare deberet, vive vocis oraculo mandavimus, teque et ecclesiam ac civitatem et diocesim predictas tunc etiam eodem vive vocis oraculo eecmimus, scandalis que evenire possent cum aliter de mandato et executione nostris predictis non constet obviare . . . teque a quibusvis excommunicationis suspensionis et interdicti aliisque ecclesiasticis sententiis . . . si quibus quomodolibet innodatus existis . . . absolventes . . . te et ecclesiam civitatem et diocesim . . . quamdiu dicte ecclesie prefueris . . . ab omni iurisdictione correctione dominio visitatione superioritate et potestate prefati Willelmi . . . etiam ratione offitii Legationis et Primatialis dignitatis huiusmodi . . . eximimus et totaliter liberamus . . . Datum Rome apud Sanctum Petrum anno etc. M.CCCC.LXXXVIII. octavo Kalendas Junii, pontificatus nostri anno quarto.'—(Theiner, Vet. Mon. Hib. et Scot. pp. 502, 503.) Cf. Reg. Episc. Glasg. vol. ii. p. 543.

[1] Reg. Episc. Glasg. vol. ii. 476, 477, 479, 483.

[2] Act. Parl. Scot. vol. ii. p. 213.

[3] Mr. Rawdon Brown's Calend. Venet. State Pap. vol. i. p. 200, no. 596. Reg. Episc. Glasg. vol. ii. p. 471.

[4] John Mair writes, in 1521, of the many rich canonries of Glasgow: 'praebendas tamen multas et pinguissimas ecclesia habet.'—(De Gest. Scot. lib. i. cap. 6.)

Letters of King James IV. to Pope Innocent VIII. for the erection of Glasgow into an Archiepiscopal, Metropolitan, Primatial, and Legatine church, 1. Dec. 1490–30. Apr. 1491.

[5] On the 1st December 1490, King James IV. reminds the Apostolic See of the many letters which he has written for the erection of Glasgow into a Primacy such as York, and expresses his amazement that the request has not been complied with.

Two months afterwards, the King writes to the Pope, renewing his solicitations: 'Much surprised, having written several letters about raising the church of Glasgow to Archiepiscopal, Legatine, and Primatial dignity, like the church of York in the kingdom of England, that you have not assented, especially as no small danger might arise to me and my successors from having only one spiritual Primate throughout my whole kingdom. Honours ought to be distributed; and as the Sovereign Pontiffs have divided the power, jurisdiction, and dignity ecclesiastical in the realm of England, to its advantage, it would have been to the honour and dignity of my realm had you, with the counsel of the Sacred College, raised the

blane, Galloway, and Argyll for its suffragans.[1] The right of the Cross was conceded. The higher honour of the Pall, the envied style of Primate and privileges of Legate Natus, were refused; but the see during the life of the first Archbishop, the province during the lives of his suffragans, were

church of Glasgow to enjoy all the privileges and dignities of that of York, the church of St. Andrews being of similar creation to that of Canterbury. If you decline to grant wishes so honourable and well grounded, I shall consider myself despised and scorned.'

Before another month is at an end, the King again reminds the Pope of the many letters which he has written on this business; expresses his very great surprise that his request has not been granted, especially as it was enforced in his last Parliament by all the three estates of his realm; and beseeches the Pope to accede to the erection, adding, 'should my prayers be contemned and despised by you like former ones, I shall infer that the disobedience of others avails them more than my devotedness.'

The King, two months afterwards, once more renews his entreaties, in the same terms.—(Mr. R. Brown's Calend. Venet. State Pap. vol. i. pp. 199, 200, 203-206, nn. 596, 604, 607, 611.)

Bull of Pope Innocent VIII. erecting Glasgow into an Archiepiscopal and Metropolitan see, with four suffragans, 9. Jan. 1491-2.

[1] 'Innocentius Episcopus servus servorum Dei . . . Attendentes . . . quod in toto regno Scotie vnica duntaxat Metropolitana Sancti Andree videlicet ecclesia existit, cui Glasguensis et omnes alie ecclesie dicti regni Metropolitico jure sunt subjecte, et quod si in illo esset vna alia Metropolitana ecclesia cui pars aliqua dicti regni pro sua Archiepiscopali provincia assignaretur, exinde profecto saluhriori et diligentiori exercitio Metropolitice jurisdictionis et commoditati ecclesiarum que illi metropolitico jure subjicerentur ac illis . . . presidentium prelatorum necnon cleri et populi civitatum et diocesium earumdem que in eorum opportunitatibus ad presidentem ecclesie que in Metropolitanam erigeretur facilius . . . recurrere possent, pariter et ejusdem ecclesie et prefati regni, cujus Reges et incole Apostolice Sedi devoti et fideles semper fuerunt, decori et venustati plurimum consuleretur: et ad magnam instantiam quam super hoc fecerunt et faciunt apud nos carissimus in Christo filius Jacobus Quartus dicti regni Rex illustris et trium statuum cleri scilicet et nobilium sive magnatum ac popularium ejusdem regni persone, debitum habentes respectum: habita super his cum fratribus nostris Sancte Romane Ecclesie Cardinalibus deliberatione matura, de illorum consilio, ad Dei laudem et honorem ac fidei Catholice exaltationem, Glasguensem prefatam et Dunkeldensem ac Dunblanensem necnon Candide Case et Lismorensem ecclesias civitates et dioceses a provincia predicte Metropolitane ecclesie Sancti Andree autoritate Apostolica . . . dismembramus et . . . earumdem . . . ecclesiarum presules ac . . . illarum civitatum et diocesium clerum et populum a venerabilis . . . Archiepiscopi Sancti Andree metropoliticis dominio superioritate et jurisdictione prorsus eximimus . . . ac prefatam Glasguensem ecclesiam inter alias dicti regni cathedrales ecclesias insignem et notabilem, ac civitatis pulchritudine et celebritate et dioceseos amplitudine necnon cleri et populi earumdem civitatis et dioceseos numerositate agri quoque fertilitate decoram, in Metropolitanam cum Archiepiscopali dignitate jurisdictione et superioritate Crucis delatione ac aliis Metropoliticis insignibus . . . erigimus et creamus; et illi Dunkeldensis et Dumblanensis ac Candide Case et Lismorensis ecclesiarum prelatos pro suis suffraganeis episcopis, capitula vero ecclesiarum ac clerum et populum prefatos civitatum et diocesium earundem pro suis provincialibus clero et populo . . . assignamus . . . Datum Rome apud Sanctum Petrum anno incarnationis Dominice MCCCCXCI. quinto Idus Januarii pontificatus nostri anno viij^vo^.'—(Reg. Episc. Glasg. vol. ii. pp. 470-473, 543, 544.)

Compare Mr. R. Brown's Calend. Venet. State Pap. vol. i. p. 210, no. 615.

When did the see of the Isles made suffragan to St. Andrews in A.D. 1472, become suffragan to Glasgow

The see of the Sudreys or the Isles, it will be remarked, is not included among the suffragans of Glasgow. I have failed to discover how or when it became one of them. It certainly was so before 1617, when the Parliament enacted 'that the Archbischope of Glasgow, whensoeuir that sea sall vaik, salbe elected be the thrie Bischopes of his dyocie, to wit, the Bischope of Galloway, the Bischope of Argyill, the Bischope of the Yles.'—(Act. Parl. Scot. vol. iv. p. 530.) Cf. T. Innes, De Synod. Vet. apud Scot. in Wilk. Conc. Mag. Brit. et Hib. vol. i. p. xxxi.; Mr. Grub, Eccl. Hist. Scot. vol. i. pp. 388, 389.

Contention between St. Andrews and Glasgow: Archbishops Scheves and Blacader; the King on the side of Glasgow, A.D. 1492-97.

exempted from the Primatial and Legatine authority of St. Andrews.[1] The compromise failed of its object; and the continued strife of the rival Prelates impoverished their churches and would appear even to have menaced the peace of the realm.[2] Parliament at length interposed; the Archbishops were required to cease their contest and to abide by such judgment as the King and his three estates should communicate to the Pope; if they failed to obey, payment of their rents was to be suspended.[3] This seems to have stilled the angry controversy for the moment. The King's wishes were yet with the church of which he was a canon; he requested

Bull of Pope Innocent VIII. exempting the see of Glasgow, during the life of Archbishop Blacader, the province during the lives of his suffragans, from the Primatial and Legatine jurisdiction of St. Andrews, 9. Jan. 1491-2.

[1] 'Innocentius Episcopus etc. Venerabili fratri Roberto Episcopo nuper Glasguensi in Archiepiscopum Glasguensem electo, salutem . . . Volentes te et propter te venerabiles fratres nostros Dunkeldensem et Dumblanensem ac Candidecase necnon Lismorensem Episcopos suffraganeos tuos pro tua et illorum quiete favore prosequi gratie specialis . . . te et ecclesiam ac provinciam Glasguensem eosdem suffraganeos tuos et quemlibet eorum . . . ab omni dominio et superioritate, visitatione et correctione, iurisdictione et imperio competentibus in eis moderno et pro tempore existenti Archiepiscopo Sancti Andree ut Primati regni Scotie et Apostolice Sedis Legato Nato in eodem, quamdiu tu Glasguensi ecclesie prefueris dumtaxat, auctoritate Apostolica . . . prorsus eximimus et totaliter liberamus . . . Volumus autem quod si aliquem . . . ex tuis suffraganeis predictis quovismodo suis ecclesiis preesse desinere et alios eorum loco surrogari contingat, sic surrogati pari exemptione potiri possint et debeant, quamdiu tu prefueris Glasguensi ecclesie. Et similiter si qui suffraganeorum predictorum qui nunc sunt postquam . . . Glasguensi ecclesie preesse desineris superfuerint, propter te eis concessa per nos exemptione predicta una cum eorum ecclesiis civitatibus diocesibus clero et populo, quoad vixerint, potiantur et gaudeant parimodo . . . Datum Rome apud Sanctum Petrum anno etc. millesimo quadringentesimo nonagesimo primo, v. Idus Januarii, pontificatus nostri anno VIII.'—(Theiner, Vet. Mon. Hib. et Scot. pp. 505, 506.)

Cf. Reg. Episc. Glasg. vol. ii. pp. 530, 531. 543, 544.

[2] Bp. Lesley, Hist. Scot. p. 62. Mart. Reliq. Div. Andr. pp. 48, 49, 151.

St. Andrews was oppressed by debts incurred in its erection into an Archbishopric, and in the troubles which followed.—(Act. Parl. Scot. vol. ii. pp. 171, 172.)

Act of Parliament for terminating the suits in the court of Rome between the Archbishops of St. Andrews and Glasgow, 26. Jan. 1493.

[3] 'Anent the contentione and pley now dependand in the court of Rome betuix the Bischopis of Sanctandrie and Glasgw, off the quhilkis pleyis the expenss is vnestimabile dampnage to the realme: Heirfoir it is thocht expedient be the Lordis of the Articlis that the Kingis Hienes ger wryte his lettres to baith the said Prelatis exhorting and praying thame to leif thair contentiounis litis and pleyis contrare till vtheris now mouit and dependand betuix thame in the court of Rome; And for the caus and motioun of thair pley, Oure Souerane Lord sall ger be sene and vnderstandin quhat is maist proffitabile to be had and desyrit for the commoun gude of the realme; and sall send his wryting to Our Haly Fader the Paip conformand thairto, like as salbe sene expedient be the King and his estatis spirituall and temporall, and command the party contrare to ceis and nocht to laubour aganis the thing that salbe sene proffitabile for the weilfair and proffeit of the realme, with certificatioun to the saidis Prelatis that gif thai wil nocht ceis and leif the said pleyis in the court of Rome, and be obedient to the deuise and deliberatioun of Oure Souerane Lord and his thre estatis, his Hienes will command and charge his liegis within this realme that nane of thame mak fynance nor pay to thame fermis rentis nor males to the sustentatioun of the saidis pleyis and hauing of the money out of the realme; and in likwis certifying thame gif ony of thame hes done in tymes bigane in contrare the actis and statutis of this realme and gude publict of the samin, he will mak the doar thairof be notit knawin and punist as effeiris eftir the forme and

The King asks the Pope to make the Archbishop of Glasgow a Cardinal.

the Pope to make the Archbishop of Glasgow a Cardinal; but although the request was supported by King Ferdinand the Catholic and Queen Isabella of Castille, it was evaded or denied.[1]

Contention between St. Andrews and Glasgow: Archbishops James and Alexander Stewart, and Archbishops Blacader and Beaton; the King takes part with St. Andrews, A.D. 1497-1513.

Two or three years afterwards, on the death of Archbishop Scheves, the King's brother, the young Duke of Ross, was elected to the vacant Primacy; and when his brief episcopate came to an end, the King's bastard son, a boy of sixteen, the pupil of Erasmus, succeeded. Henceforth the favour and affection which James had lavished upon the successors of St. Kentigern were transferred to the see of 'the Bishop of the Scots,' the church hallowed by the relics of the Apostle who was Patron of Scotland. The exemption of Glasgow from the jurisdiction of St. Andrews ceased with the death of the first Archbishop on the shores of Palestine, during a pilgrimage to Jerusalem.[2] Its renewal was prevented or annulled by the Pope, on the suit of the King, who seems now to have considered himself the peculiar guardian of the Primacy.[3] Yet his vigilance failed to save its rights from invasion by an exemption granted to the see of Murray during the life of its ambi-

statutis of this realme.'—(Act. Parl. Scot. vol. ii. pp. 232, 233.)

[1] Mr. Bergenroth's Calend. of Span. State Pap. vol. i. p. 69. nn. 104, 105. (12th Sept. 1495.)

[2] On the 28th of July 1508. (Reg. Episc. Glasg. vol. ii. p. 616. Epist. Reg. Scot. vol. i. pp. 93-95. Proceed. Soc. Ant. Scot. vol. ii. pp. 222-225.)

Letters of King James IV. to Pope Julius II. against the exemption of Glasgow from the Primatial and Legatine jurisdiction of St. Andrews, A.D. 1509.

[3] See the letters of King James IV. to the Pope in the Epist. Reg. Scot. vol. i. pp. 100, 101, 109: 'Ad Sanctitatem Vestram nuper literas dedimus, ut Primatus et Legationis auctoritas ecclesiae primariae Divi Andreae et regni nostri Patroni integra maneret, nec ullius exemptione violaretur; prout Sanctitas Vestra in praefectione Archiepiscopi Glasguensis moderni obedientiam et caetera Primatus et Legationis ecclesiae Sancti Andreae debita, expresse reservavit . . . Verum idem modernus Glasguensis Archiepiscopus, nihil, ut nobis asseruit, praejudicii aut laesionis ecclesiae Divi Andreae intentans, nostras exinde literas ad Beatitudinem Vestram nuper impetravit, ut cum universa Glasguensis ecclesiae provincia, etiam suffraganeis ejusdem, ab omni Sancti Andreae Primatus et Legationis vinculo absolveretur. Cumque nos Confessoris nostri, religiosi patris de Observantia, admonitione jam plenius edocti, Sedis Divi Andreae turbare aut minuere jurisdictionem in animo non habeamus, nec hujus unquam fuerimus consilii ut Divo Andreae Patrono nostro ulla fieret injuria, praesertim sub infirmo adhuc et juniore Archiepiscopo cujus tutela ad suos spectat promotores: idcirco Beatitudinem Vestram oramus . . . ut quam Sanctitas Vestra de fratrum consilio Primatus et Legationis Divi Andreae superioritatem reservavit, integram superesse et ratam stare decernat; atque quatenus ullo praetextu laesa fuerit aut exemptione, eandem reponat et restituat: id quod a Beatitudine Vestra facile expectamus, partim creaturae suae junioris Archiepiscopi contemplatione, partim nostrae relevatu conscientiae, cui ejusdem junioris Archiepiscopi curam Vestra injunxit Beatitudo.'

See also the letter of King James IV. to the secretary of the Cardinal of St. Mark, in Mr. Gairdner's Lett. and Pap. of Rich. III. and Hen. VII., vol. ii. p. 279.

tious prelate, Andrew Forman, commendator of Dryburgh and Pittenweem in Scotland, commendator of Cottingham in England, archbishop of Bourges in France. The Scottish Primate appealed against the grant, as procured without the knowledge or consent either of himself or of his father,[1] and the appeal would seem still to have been pending, when the King and the Archbishop fell together in arms at Flodden.

It was at first intended to raise the saintly and munificent Elphinstone from the bishopric of Aberdeen to the archbishopric of St. Andrews;

'Appellatio Metropolitani ab exemptione sui Suffraganei absque consensu impetrata:' Appeal of Alexander Stewart, archbishop of St. Andrews, against the exemption of Andrew Forman, bishop of Murray, from his Metropolitan jurisdiction, A.D. 1509-13.

[1] '. . . Nos A. miseratione diuina Archiepiscopus Sanctiandree totius regni Scotie Primas et Apostolice Sedis Legatus Natus etc. sentientes nos lesos . . . ecclesiam nostram Metropolitanam . . . et jurisdictionem nostram Metropoliticam in hac parte turbari . . . per vos N. episcopum M. suffraganeum et obedientiarium nostrum, in cuius obedientie possessione nos et predecessores nostri inconcusse fuerunt et sumus; quam obedientiam Glasguensis Archiepiscopus et reliqui regni Scotie Episcopi indifferenter prestant; et vos Domine Episcope M. nobis pacis osculum infra Missarum solennia et alibi reuerentiam debitam sepe prestitistis: Cum tamen nuper Ambassiator Serenissimi Domini Nostri Regis apud Sanctissimum Dominum Nostrum Papam existens, preter . . . mentem dicti Serenissimi Domini Nostri Regis ut speramus, in grauamine nostre prefate ecclesie Metropolitice et Primatialis Sanctiandree, quamdam pretensam exemptionem in personam vestram et episcopatum vestrum M. bona et res vestras et familiares ymmo etiam D. et P. monasterii et prioratus Premonstratensis et Sancti Augustini ordinum nostre diocesis commendatorum, que magna pars jurisdictionis nostre existunt, importunitate quadam, seu ut verius dicam Ybernica sollicitatione, ut speratur Sanctissimum Dominum Nostrum Papam modernum vanis et quibusdam fictis inuentionibus circumueniendo, nobis non vocatis . . . impetrastis: Nitimur equidem, ut ex verbis dicte pretense exemptionis clarissime elici licet, *Vos et vestros a nobis plurimum grauari*, cum contrarium sit in toto regno notorium, namque constat nos ut semper consueuimus a teneris nostre etatis annis arridere vobiscumque jocari nullam vnquam iniuriam molestiam aut perturbacionem vobis aut vestrum alicui nostram post promotionem quoquomodo intulisse, quod si fecissemus contra promissum in recessu vestro factum deuenissemus, namque cum versus Romam iter arripuistis, fideliter nobis inseruire, nosque vobis vices seruaturos promisimus, sicque vestris nullam lesionem aut grauamen aliquod inferreremus: Quibus non obstantibus dictam pretensam exemptionem in nostri contemptum immemor vestri promissi impetrastis, quod si in vobis plenam fiduciam in premissis non habuissemus procuratores nostros ad importunam sollicitationem vestram impediendam prouidissemus. Speramus tamen quod Sanctissimus Dominus Noster Papa melius et sanius consultus statum nostrum non solum in pristinum sed in melius, auxiliante ei Domino, reformabit . . . Credimus equidem nouistis Serenissimum Regem vestram turbacionem obediencie nobis debite equo animo non sufferre, cum sedes Sanctiandree a primeuo religionis Christiane exordio vnicus Scotie Episcopus denominabatur, alieque Episcoporum Scotie regni sedes ab eadem processerunt et deriuate sunt, vosque Domine Episcope non contentus de loco vestro in ordine quintus inter reliquos regni Episcopos, in quo stetit predecessor vester immediatus A. olim illustris auunculus noster contentus vocatione sua predecessores nostros etiam de humili domo genitos non contempsit, vos tamen sedem vestram in aquilone ponere contendendo nobis precellere nitimini. Neminem regnicolarum latet qualiter miraculose Sancti Andree totius regni et Regis Serenissimi patroni reliquie has ad oras per Sanctum Regulum Angeli Dei admonitione delate sunt. Iterum quot triumphi, quot vero victorie crucis Sancti Andree signaculo in aere diuinitus ostenso Scotorum Regibus et regnicolis contra Anglorum rabiem eiusdem Sancti Andree meritis concesse sunt, nemo sane mentis ignorat. Ymmo Rex ipse Serenissimus predecessores posterique omnes ipsum Sanctum Andream patronum vnicum adorant venerantur et colunt venerabunturque in eum . . . Quare . . . sentientes

to translate Andrew Stewart, bishop of Caithness, to the see vacated by Elphinstone; and to exempt it from all jurisdiction of St. Andrews, whether Metropolitan, Primatial, or Legatine.[1] This design miscarried; and, after a fierce contest—in which the turbulent and aspiring house of Bothwell supported John Hepburn, prior of St. Andrews, and the still great strength of the house of Angus was on the side of Gavin Douglas, provost of St. Giles'—the archbishopric was bestowed on Andrew Forman, bishop of Murray, together with the power of Legate a Latere,[2] and the promise of a Cardinal's hat.[3] The first care of the new Pri-

nos ecclesias nostras . . . officiarios nostros et ministros tam spirituales quam mundanos granatos lesos et oppressos per vos Dominum N. episcopum M . . . a vestris . . . processibus . . . ad . . . Dominum nostrum Papam Dominum N. eiusdemque Sacrosanctam Sedem Apostolicam in hiis scriptis appellamus, et Apostolicos instanter instantius et instantissime iteratis vicibus petimus . . . Super quibus omnibus et singulis etc.'—(Formulare Inst. Eccl. foll. 172, 173. MS. Bibl. Univ. St. Andr.)

Erse beggars.

The 'Ybernica sollicitatio' seems to have been proverbial in the Scottish Court of that day. The contemporary 'Remonstrance to the King,' the Archbishop's father, by the greatest of our elder poets, speaks of

'Innopportna askaris of Yrland kind.'

—(Poems of W. Dunbar, vol. i. p. 146. Mr. D. Laing's edit.)

[1] Epist. Reg. Scot. vol. i. pp. 184, 185.

Distinction between a Legate a Latere, and a Legate with the power of a Legate a Latere.

[2] 'Legati a Latere vocantur Legati Cardinales: et hoc ideo, ait Glossa, quia assumuntur *de latere* Papae. Nam sicut Imperator et Patricii sive Consiliarii faciunt unum corpus, cujus Imperator est caput, et Consiliarii qui sibi assistunt in secretis, dicuntur esse membra, ita similiter Papa et Cardinales faciunt unum corpus, cujus Papa est caput et Cardinales sunt membra. Ideo quando aliquis assumitur de Cardinalibus ut mittatur Legatus, dicitur sumptus *de latere;* et appellatur *Legatus de Latere* . . . Notandum tamen quod Legatus non Cardinalis, qui *Nuntius* dici consuevit, mittatur interdum adjecta in ejus facultatibus hac clausula, *cum potestate Legati a Latere*, quae de stylo Curiae Romanae consuevit adjici mandatis Legatorum, qui fimbriam vestimenti Papae tetigerunt, seu qui ab eo vivae vocis oraculo mandatum acceperunt.'—(Van Espen, Jus Eccles. Univ. par. I. tit. xxi. cap. i. §§ 2, 4; Opera t. i. p. 187.)

[3] Epist. Reg. Scot. vol. i. pp. 138, 139, 142, 143, 216-219, 267-271. Reg. Episc. Glasg. vol. ii. pp. 532, 544. Mr. Thorpe's Calend. of Scot. State Papers, vol. i. p. 20.

Promise to make Archbishop Forman of St. Andrews a Cardinal, A.D. 1511-21.

In April 1513, the English ambassador in Scotland wrote to King Henry VIII. that Forman, then Bishop of Murray, 'said to Rougecrosse that if your Grace wolde haue suffred hyme to haue passed thoroughe your reame he had been Cardinalle, and for the proufe therof he sent me ij. briefes, one directed to the Kyng and a nodre to hyme, wherin the Pope promised to make hyme Cardinalle.'—(Mr. Stevenson's Illust. Scot. Hist. p. 77. Mait. Club: 1834.)

Archbishop Forman, and the monastery of which he was Commendator, granted a power of attorney for borrowing five thousand ducats of gold from certain merchants of Florence and their bank, to meet the costs of his being made a Cardinal: 'Reuerendissimus in Christo pater et dominus Dominus Andreas miseracione diuina Sanctiandree Archiepiscopus, totius regni Scotie Primas, Legatus Natus, ac per vniuersum regnum predictum [Apostolice] Sedis cum potestate et facultate Legati de Latere Legatus, necnon Commendatarius perpetuus monasterii de Dunfermling . . . et religiosi viri Domini Prior et Conuentus singulique monachi eiusdem monasterii . . . honorabilibus et honestis viris Dominis Anthonio et Philippo Gualterotti et sociis suis mercatoribus Florentinis et in eorum bancho . . . in summa quinque millium ducatorum auri de Camera vel infra . . . in euentum promotionis et creationis dicti Reuerendissimi Domini Andree Archiepiscopi et Legati per Sanctissimum Dominum Nostrum Papam in Sancte

Contention between St. Andrews and Glasgow: Archbishops Forman and Beaton, A.D. 1514-21.

mate was to procure the recal or surrender of the exemption from his authority which had been conceded by the Pope to the Dean and Prior of the Metropolitan cathedral.[1] He next turned to Glasgow; and if he failed to defeat her claims to exemption from his Primatial and Legatine jurisdiction, he succeeded not only in limiting the exemption to the lifetime of the Archbishop who then held the see, but in stripping it

Romane Ecclesie Cardinalem.'—(Formul. Instrum. Ecclesiast. foll. 89-91. MS. Bibl. Univ. St. Andr.)

Letter of Archbishop Forman of St. Andrews, Legate with the power of a Legate a Latere, warning the Scottish bishops and clergy to meet him in procession on his arrival in Scotland.

The 'Monitorium ad recipiendum Dominum Legatum et eidem in primo suo aduentu processionaliter obuiandum,' in the same manuscript (fol. 95) preserves the Primate Legate's summons to the bishops and clergy of Scotland to attend him at Holyrood: 'Andreas etc. vniuersis . . . patriarchis, archiopiscopis, episcopis . . . prothonotariis, abbatibus, prioribus, decanis, prepositis, generalibus . . . guardianis . . . ceterisque presbiteris curatis et non curatis, clericis, notariis et tabellionibus publicis . . . per totum Scotie regnum . . . constitutis, Salutem in Domino . . . Noueritis quod nuper Sanctissimus in Christo pater et dominus noster Dominus Leo diuina prouidentia Papa x. . . . nos per totum regnum Scotie . . . suum ac dicte Sedis Apostolice cum potestate et facultate Legati de Latere deputauit Legatum . . . Et cum nos Andreas Archiepiscopus et Legatus prefatus de presenti Dei adiutorio in regno isto applicati sumus, nostro Legationis dante Domino pro vtilitate ecclesiarum ac cummodo et honore prefati regni fungi officio decreuimus: Iccirco vos omnes et singulos . . . monemus quatenus sub excommunicationis pena . . . die N. mensis N. . . . pro reuerentia Sedis Apostolice qua prelati et alie persone ecclesiastice dicati sunt, nobis in monasterio Sancte Crucis . . . prope opidum Edinburgi . . . cum reuerentia et deuotione processionaliter obuiam in nostro aduentu habitibus congruentibus vt moris est venire preparetis; nostrasque presentes literas in vestris ecclesiis dum ibi populi multitudo ad diuina audienda conuenerit publicare curetis . . . Datum etc.'

The Pope's brief, intimating the Archbishop's commission as Legate with the power of a Legate a Latere, is in the same manuscript, fol. 84.

Archbishop Forman's appeal against the exemption of the Dean and Prior of St. Andrews, from the jurisdiction of the Archbishop.

[1] Formul. Instrum. Ecclesiast. (MS. Bibl. Univ. St. Andr.) foll. 173-182: 'Appellatio Archiepiscopi et Legati ab exemptione surreptitie impetrata per eius Decanum et Priorem preter eiusdem consensum ex multiplicibus causis;' foll. 182-186: 'Appellatio alia Archiepiscopi et Legati ab exemptione et illius ampliatione surreptitie impetrata per eius Priorem;' foll. 186-189: 'Appellatio [Archiepiscopi] a pretensa reseruatione et constitutione annue pensionis super Archiepiscopatu et illius mensa absque consensu in parte et per vim et metum [per eius Decanum et Priorem] extorta.'

Archbishop Forman's assertion of the independence of Scotland; denial of all temporal jurisdiction of the Pope beyond the Papal Dominions.

The Primate's first appeal (foll. 181, 182) emphatically denies the right of the Pope to any temporal jurisdiction beyond the States of the Church: 'Cum clare constat vniuerso mundo, saltem Christiano, Regem et regnum Scotorum in temporalibus ciuilibus et criminalibus nemini nisi Deo vero vnico et eterno, et neque Pontifici Maximo neque Imperatori, aut cuicunque alteri Principi mundano spirituali vel temporali subiectos; Quomodo tu ergo [noster Prior et Decano] ausu tuo temerario et pertinaci tua audacia a Sede Apostolica te vel tuos in ciuilibus et criminalibus eximere aut talia impetrare vel excogitare ausus fuisti, cum nos et predecessores nostri Regalitatem nostram Sanctiandree in temporalibus ciuilibus et criminalibus ita libere et pacifice in merum et mixtum imperium sicut Rex ipse Noster Serenissimus residuum regni sui tenet, tenemus et tenuerunt, et a primeua nostra fundatione et religionis Christiane exordio inconcusse et absque interruptione aliqua vsque in presens eandem taliter possedimus et possederunt; libertates et priuilegia corone Regis eo pretextu vsurpando et infrigendo, ac crimen sue lese maiestatis committendo; nec Sanctissimus Dominus Noster Papa quemquam in criminalibus vel ciuilibus eximere nisi in dominiis et terris sibi et Romane Ecclesie immediate in temporalibus subiectis consueuit.'

Compare the letter of the Regent Albany to Pope Adrian vi., in the Epist. Reg. Scot. vol. i. pp. 346-348; G. Buchanan. Rer. Scotic. Hist. lib. xiii. capp. 44, 48. lib. xiv. capp. 2, 3, 8; Bp. Lesley, Hist. Scot. p. 101, 106; Abp. Spottiswoode, Hist. Ch. Scot. vol. i. pp. 122, 123.

Glasgow deprived of two of its four suffragans, A.D. 1513-21.

of two of its suffragan bishoprics, Dunkeld and Dunblane, and restoring them to the province and obedience of St. Andrews, from which they were never again separated.[1]

Contention between St. Andrews and Glasgow: Archbishops Beaton and Dunbar, A.D. 1521-39.

On the death of Archbishop Forman, James Beaton, archbishop of Glasgow, was advanced to the Primacy. The see which he vacated was conferred upon Gavin Dunbar, prior of Whithern, who had been preceptor to the King,[2] and in the interval between his election and his consecration,[3] had sufficient influence or address to obtain a hull from Pope Clement the Seventh renewing, enlarging, perpetuating the exemp-

Bull of Pope Leo x. exempting Glasgow, and its suffragans of Galloway and Argyll, during the life of Archbishop Beaton, from the jurisdiction of St. Andrews, A.D. 1513-21.

[1] The arrangement was ratified by a bull of Pope Leo x. which has escaped my search. But its provisions are recited in two bulls of Pope Clement VII., one of 8th July 1524, the other of 21st Sept. 1531; in a bull of Pope Paul III. of 14th May 1539; in a bull of Pope Julius III. of 26th Sept. 1553; and in the 'Concordia inter Dauidem et Gauinam Sanctiandree et Glasguensis Archiepiscopos' of 8th March 1538-9: 'Pie memorie Leo Papa x. . . . venerabilem fratrem . . . Jacobum Archiepiscopum . . . Glasguensem ac Candide Case et Lismorensem episcopos ejus suffraganeos et . . . ipsorum ecclesias civitates et dioceses . . . clerum etiam religiosos et populum . . . et ipsorum bona ac totam proviaciem Glasguensem necnon ejusdem Jacobi Archiepiscopi familiares et servitores domesticos etiam usque ad numerum duodecim ultra illos qui de civitate seu diocesi Glasguensi existebant ac quecumque beneficia ecclesiastica per eos quomodolibet pro tempore obtenta, ab omni jure Primatie et Legati Nati ac jurisdictione correctione visitatione imperio superioritate dominio potestate et preeminentia . . . Andree . . . Archiepiscopi Sancti Andree Primatis et Legati Nati . . . ratione officii Legationis Nate vel Primatialitatis aut Legationis Apostolice seu plene potestatis Legati de Latere aut cujuscumque alterius preeminentie dignitatis vel superioritatis etiam Cardinalatus honoris prefato Andree et pro tempore existenti Archiepiscopo Sancti Andree quomodolibet concesse et concedende, quamdiu ipse Jacobus viveret et dicte ecclesie Glasguensi preesset, cum ad id ipsius Andree Archiepiscopi expressus accessisset assensus, per suas litteras penitus et omnino exemit et liberavit.'—(Reg. Episc. Glasg. vol. ii. pp. 531, 532, 544, 545. Lib. G. Makeson, pp. 38, 39, 89, 90, 212, 213. MS.)

The Isles not suffragan to Glasgow, A.D. 1513-21.

It will be observed that the see of the Sudreys or the Isles is not yet numbered among the suffragans of Glasgow.

Dunkeld and Dunblane suffragan to St Andrews, A.D. 1513-21.

St. Andrews appears to have lost no time in asserting its jurisdiction over its recovered suffragans of Dunkeld and Dunblane. In the St. Andrews Formulare, there is a commission by Archbishop Forman to James Chisholm, bishop of Dunblane—'Domino J. episcopo Dunblanensi suffraganeo nostro'—for the dedication of a chapel. The same Archbishop, in his Metropolitan Church of St. Andrews, assisted by the Bishops of Brechin and Dunblane—'Dominis Johanne et Jacobo Brechinensis et Dunblanensis ecclesiarum episcopis nostris suffraganeis'—consecrated Gavin Douglas to the see of Dunkeld. If the translator of the Æneid afterwards rebelled against his Primate, he atoned for his rebellion by presenting himself like a dutiful and repentant son in the monastery of Dunfermline, and there on bended knees, and with clasped hands—'genibus flexis, manibus suis junctis et inter manus reuerendissimi patris sui Metropolitani et Primatis immissis et appositis'—swearing obedience to the Archbishop: 'Ego Gauinus episcopus Dunkeldensis ab hac hora et inantea juro quod fidelis et obediens ero tibi Andree archiepiscopo Sanctiandree totius regni Scotie Primati et Legato, meo Metropolitano et Primati, et successoribus tuis canonice intrantibus. Sic me Deus adiuuet et per hec Sacrosancta Dei Ewangelia.'—(Formul. Instrum. Ecclesiast. foll. 53, 54, 84-86, 139. MS. Bibl. Univ. St. Andr.)

Consecration of Gavin Douglas to the see of Dunkeld; his submission to the Archbishop of St. Andrews as his Metropolitan and Primate, A.D. 1517-21.

[2] Epist. Reg. Scot. vol. i. pp. 282-284.

[3] See the letters of the Archbishop of St. Andrews to the Cardinal of St. Eusebius, in the Epist. Reg. Scot. vol. i. pp. 340-343.

It would appear that the Bishop of Murray—

tion of the see and the province of Glasgow from the Metropolitan, Primatial, and Legatine jurisdiction of St. Andrews.[1] The remonstrances of the Primate, urged in name of the young King, succeeded for a time in procuring a limitation of the exemption; Glasgow was freed from Metropolitan, but subjected to Primatial and Legatine authority.[2] But the favour of the King for his old tutor, the Chancellor of his realm, prevailed with the Pope to recal the limitation, once more to exempt Glasgow from all obedience to St. Andrews,[3] and to refuse to the Primate the power of Legate a Latere not only within his own province but within his own diocese.[4]

Contestion between St. Andrews and Glasgow:

The death of Archbishop James Beaton left the Primacy open to his abler and more ambitious nephew, David, abbot of Arhroath in Scot-

Claim of the Bishop of Murray to exemption from the Primatial and Legatine authority of St. Andrews, A.D. 1523-4.

James Hepburn, the son of a rebellious race—attempted to disclaim obedience to St. Andrews: 'Verum,' the Archbishop writes to the Cardinal, 'cum infestius in istam nostram sedem indies insurgat modernus Moraviensis Episcopus et . . . ab ordinario Primatus et Legationis jure se prorsus exemptum contendat, rogamus Paternitatem Vestram Reuerendissimam . . . ab adversantium insultu nos nostramque sedem defensare, ut temerariis istorum nisibus occurrens, superioritatem sedis Divi Andreae integram et ratam manere procuret.'

Bull of Pope Clement VII. exempting Glasgow from all jurisdiction of St. Andrews, 8. Jul. 1524.

[1] Reg. Episc. Glasg. vol. ii. pp. 529-537: 'ita ut . . . Archiepiscopus Sancti Andreae etiam ut Primas seu regni [Scotie] aut Sedis [Apostolice] Legatus Natus . . . ullum in Gavinum et pro tempore existentem Archiepiscopum Glasguensem ac suffraganeos capitula clerum populum ecclesias civitates dioceses et provinciam hujusmodi, imperium dominium juridictionem uisitationem correctionem superioritatem aut aliam quamlibet potestatem . . . exercere . . . nullatenus possit; sed teneantur Gavinus et pro tempore existens Archiepiscopus Glasguensis coram nobis vel [Apostolica] Sede aut specialibus ejus delegatis, suffraganei vero capitula clerus et populi prefati de se querelantibus coram eodem Gavino et pro tempore existente Archiepiscopo Glasguensi vel ejus Officialibus in hiis que ad Primatis et Legati Nati jurisdictionem et superioritatem pertinent, in justicia respondere et coram eis juri stare . . . indulgemus.'

[2] Reg. Episc. Glasg. vol. ii. p. 547.

Both St. Andrews and Glasgow appear to have invoked the help of Wolsey. The Queen Dowager, Margaret Tudor, wrote to her brother the King of England on behalf of Glasgow; the young King of Scots took the side of his old preceptor.—(State Papers of King Henry VIII., vol. iv. pp. 331, 343, 373, 374, 429. Sir H. Ellis, Original Letters (first series), vol. i. pp. 251, 252. edit. 1825.)

[3] Reg. Episc. Glasg. vol. ii. pp. 547-550 (21st Sept. 1531).

Letter of King James V. to Pope Clement VII., that Archbishop Beaton of St. Andrews might not be made Legate with the power of a Legate a Latere, even in his own diocese, 30. Nov. 1530.

[4] 'Certo informamur, quod Jacobus Sancti Andree Archiepiscopus officium Legatie cum potestate et facultate a Latere per universum regnum nostrum iamdudum impetrasset, nisi negocium litteris charissimi consanguinei nostri Johannis Albanie Ducis impeditum fuisset: quanquam enim sepenumero Archiepiscopus ille nos sollicitaverit, ut hanc sibi facultatem cum nostra benevolencia obtineret, numquam tamen ut nostrum prestaremus consensum flecti potuimus, donec tandem victi concessimus ut officium hoc intra suam diocesim gereret, et nunc pretextu nostre signature universalem sibi provinciam delegari cupit, qua in re ut nostre voluntati contrafacere conatur, ita illum omni modo tanta dignitate indignum iudicamus. Quapropter Vestram Sanctitatem quam maxime rogamus, uti nos magno suo beneficio sibi demereri velit, nullo pacto Archiepiscopo illi hoc Legationis officium concedat.'—(Theiner, Vet. Mon. Hib. et Scot. p. 594.)

Archbishop James Beaton appears to have

Cardinal Beaton and Archbishop Dunbar, A.D. 1539-46.

land, bishop of Mirepoix in France. He was already a Cardinal[1]—the first, the only, Scottish prelate on whom that dignity was bestowed by the undivided Latin Church[2]—and he was soon to receive the scarcely less coveted office of Legate a Latere.[3] He had not been Primate for many months[4] before he procured from Pope Paul the Third a bull which declared that the exemption of Glasgow from the jurisdiction of St.

Archbishop James Beaton sues for the Cardinalate, A.D. 1525.

aspired to a Cardinal's hat and the power of Legate a Latere as early as the year 1525.—(Epist. Reg. Scot. fol. i. MS. Reg. House. State Pap. of King Henry VIII. vol. iv. p. 443.)

Archbishop David Beaton made a Cardinal, 20. Dec. 1538.

[1] David Beaton was made a Cardinal upon the 20th December 1538.—(Raynald. Annal. Eccles. ann. 1538. § XLVII. vol. xiii. p. 495.) Cf. Theiner, Vet. Mon. Hib. et Scot. pp. 608-612.

His promotion to the purple made a deep impression in Scotland, as well among his friends as among his enemies. It is related that before his murderers hung his yet bleeding body over a window in the Castle of St. Andrews—calling on the people to behold their God—they attired it in his Cardinal's dress. Eighty years afterwards—so the followers of his faith believed—the stains of his blood remained still fresh and indelible on the wall: 'Percussor praecipuus Leslaeus in os defuncti minxit. . . ornatumque cadaver Cardinalitiis insigniis parieti appensum variis contumeliis affecerunt sacrilegi . . . sanguis occisi e lapidibus fenestrae elui delerique nequit.—(T. Dempst. Hist. Eccl. Gent. Scot. lib. ii. no. 154. t. i. pp. 88, 89. edit. 1839.) 'Sed mirum fuit, quod ejus sanguis in lapides effusus nulla aquarum affusione quacumque adhibita ab impiis arte et diligentia elui potuit.'—(Raynald. Annal. Eccles. ann. 1546. § CXLVIII. vol. xiv. p. 196.)

Lindsay of Pitscottie ascribes to one Guthrie the outrage—believed to fulfil a prophecy—which Dempster attributes to Leslie.—(Hist. of Scot. p. 349. edit. 1749.) A contemporary letter which describes the exposure of the Cardinal's corpse, is silent as to its being dressed in the Cardinal's garb: 'Tha brocht the Cardinale to the wall heid in ane payr of schetis, and haug hym over the wall be the tane arme and the tane fute.'—(State Pap. of King Henry VIII. vol. v. p. 560.)

[2] In the year 1385, Walter of Wardlaw, bishop of Glasgow, was made a Cardinal, and Legate a Latere in Scotland and Ireland; but it was by the Antipope Clement VII.—(J. de Ford. Scotichron. lib. xiv. cap. 49. Reg. Episc. Glasg. vol. i. p. xxxix. Reg. de Dunferm. pp. 413, 414.)

[3] Cardinal Beaton's commission as Legate a Latere throughout Scotland, is dated on the 30th January 1544. It was captured by an English privateer, on board a bark bound from Campvere to Scotland, and was sent to King Henry VIII. in May 1545. It found its way to the State Paper Office, where it was seen by Bishop Burnet, who printed it in his History of the Reformation (vol. v. pp. 409-424. Mr. Pocock's edit.) It is now in the Public Record Office at London.—(State Pap. of King Henry VIII. vol. v. pp. 443-445. Mr. Thorpe's Calend. of Scot. State Pap. vol. i. p. 46.)

Cardinal Beaton made Legate a Latere, 30. Jan. 1544.

King James V. wrote to Pope Paul III. entreating that the office might be bestowed on Beaton, on the 16th December 1538, on the 10th August 1539, on the 7th June 1540, on the 14th March 1540-1. The Regent Arran wrote to the same effect on the 28th February 1543-4 (a month after the office was granted).—(Theiner. Vet. Mon. Hib. et Scot. pp. 611, 612. Epist. Reg. Scot. vol. ii. pp. 74-76, 105-8, 190-192, 194, 195.)

In December 1539 Beaton himself writes to his agent at Rome to press his suit for a commission as Legate. He wishes 'a special faculty, and as ample and better than our predecessors, as Bishop Andrew Ferman had, whilk was a good faculty for this realm and the King's subjects and lieges, and did sober skaith to the court of Rome, or none worthy to be spoken of.'—(Sadler's State Papers, vol. i. pp. 15-17.)

[4] Beaton—already assured of the Primacy on the 15th August 1538, six months before the death of his uncle and predecessor—was installed in the see, received the Cross and the Pall, between the thirteenth and the twenty-fifth February 1538-9. See above, p. cxvii. note 1. A few days afterwards, his bastard son—'Dauid Betoune filius naturalis reuerendissimi in Christo patris Dauid Sanctiandree Archiepiscopi etc.'—gets a grant of crown lands in Angus.—(Theiner, Vet. Mon. Hib. et Scot.

Contention between St. Andrews and Glasgow: questions as to their Crosses.

Andrews should cease with the life of the Archbishop who then filled the see of St. Kentigern.[1] The bull only gave effect to a friendly compromise between the rival Metropolitans.[2] Yet their strife was not at an end. Two points of controversy were still left open. Had the Primate of Scotland right to carry his Cross in the diocese or in the province of Glasgow?[3] Was the successor of St. Kentigern entitled to raise his Cross and to bless the faithful in presence of the Cardinal Legate of St. Andrews?[4] These questions were as fiercely debated now as like questions had been debated between Canterbury and York,[5] between Armagh and

pp. 608-610. Lib. G. Makeson, pp. 210-221. MS. Reg. Mag. Sig. lib. xxvi. nn. 231, 437; lib. xxvii. no. 10. MS. Reg. House.) Cf. Sir J. Balfour's Practicks, p. 376.

[1] The bull is dated on the 14th May 1539. A copy of a transumpt or exemplification—made at the Cardinal's instance, by the Official General of Dunkeld, on the 23d August 1542—is in Lib. G. Makeson, pp. 35-45. MS.

Cf. Sadler's State Papers, vol. i. p. 16; Lib. Offic. S. Andr. pp. 166, 167.

[2] There is a transcript of the agreement—'Concordia inter reuerendissimos patres Dominos Dauidem et Gauinum Sanctiandree et Glasguensis Archiepiscopos'—in Lib. G. Makeson, pp. 210-221. MS.

It is dated on the 8th March 1538-9, not many days after the Cardinal's successiou to the Primacy.

[3] Reg. Episc. Glasg. vol. ii. pp. 550, 551, 553-556.

Cardinal Beaton sues for a Papal brief that he may carry his Cross in the diocese and province of Glasgow, Nov. 1539.

In November 1539, Cardinal Beaton writes from Kelso to Mr. Andrew Oliphant, vicar of Foulis, his agent at Rome: 'Attour, ye shall incontinent get us ane brief, that we as Primate of the realm, may bear our Cross before us *per totum regnum Scotiae, et in diocesi et provincia Glascuensi, et in aliis locis qualitercumque exemptis, absque tamen praejudicio exceptionum earundem*; and that this be expede with all diligeuce, and that this brief be well extended and committed *certis judicibus in partibus, videlicet, Episcopo et Subdecano Rossensi ac Decano de Restalrig cum assistentia in eventum* if any of thir exeemed diocesses or persons would alledge That we should not bear our Cross within them, *cum derogatione exceptionum earundem ad effectum deferendi Crucem duntaxat et non alias, et absque exceptionum earundem praejudicio etc.*'—(Sadler's State Papers, vol. i. p. 14. Mart. Reliq. D. Andr. p. 241.)

An Archbishop not to carry his Cross in presence of a Legate a Latere.

[4] The Canonists held it settled that neither Archbishop nor Patriarch could display his Cross in presence of a Legate a Latere: 'Et quidem sicuti Proconsules Romani, euntes et redeuntes e Provinciis sibi concreditis utebantur insigniis suae dignitatis, ita quoque Legati utuntur insigniis Apostolicae dignitatis, puta, vestibus rubeis, palafrido albo, freno et calcaribus deauratis . . . Quiu ea erat dignitas Legatorum, ut nec Archiepiscopi, imo nec Patriarchae possent Dominicae Crucis vexillum sibi jubere praeferri ubicumque praesens esset Summi Pontificis Legatus utens insigniis Apostolicae dignitatis . . . quia in praesentia majoris deponitur potestas reverentialis minoris . . . Unde . . . Episcopus in civitate et dioecesi cui praeest, non potest, praesente Legato de Latere, benedicere populum, et deferre vestes, scilicet mozettam significantem jurisdictionem illius ordinariam.'—(Van Espen, Jus Eccles. Univ. par. I. tit. xxi. cap. ii. §§ 25, 26; Opera t. i. p. 191.)

Pope Gregory XI. issued a bull, iu the year 1371, forbidding any Patriarch, Primate, or Archbishop to suffer his Cross to be carried before him iu presence of a Cardinal Legate or Nuncio.—(Wilk. Conc. Mag. Brit. et Hib. vol. iii. p. 90.)

[5] Chron. J. Brompt. A.D. 1126. in Twysd. Dec. Script. col. 1016. Gulielm. Neubrig. Rer. Anglic. lib. iii. cap. 1. pp. 210, 211. edit. Antv. 1567. Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 485; vol ii. pp. 43, 119, 128, 216, 255, 264, 265, 277, 284, 285, 425, 448, 449, 452, 453, 525; vol. iii. pp. 31, 32. Sir F. Palgrave's Parliam. Writs, vol. ii. part i. pp. 134, 135. nn. 26-291., p. 263. no. 8., p. 291. no. 19, pp. 318, 319. nn. 8. 9., p. 352. no. 14; part ii. pp. 274, 275. nn. 6, 7.

Contention between St. Andrews and Glasgow: uproar in the High Church of Glasgow, A.D. 1545.

Dublin,[1] in a previous age. They issued at length in a scandalous riot in the cathedral of Glasgow, where, in presence of the Queen Dowager, and of the Regent of Scotland, blows were struck and wounds given, copes and vestments torn, the Crosses of both Metropolitans broken.[2]

It had been ruled that the exemption of Glasgow should die with Archbishop Dunbar. But that prelate outlived the Cardinal of St. Andrews; and his successor, the Cardinal's kinsman, James Beaton—the last

[1] Wilk. Conc. Mag. Brit. et Hib. vol. ii. pp. 301, 628, 629; vol. iii. p. 64; vol. iv. pp. 80-86.

[2] We have accounts of the tumult by the Queen Dowager (Mary of Guise), by Cardinal Beaton, by John Knox.

The Queen's relation is in a letter to Pope Paul III.: 'Pater Sancte . . . superioribus diebus, cum comitia habeamus in Glasgo, quae ciuitas est Archispiscopalis, Gauinus Dunbar sedis illius Archiepiscopus, non veritus Dei conspectum, spreta etiam Regia authoritate, tantas in suo templo excitauit turbas, vt nos, qui Regias gerimus vices, permultosque principes, cum sacro interessemus, vitae periculum subire cogerit, eius enim satellitium tum coepit in templo deturbare praelatam Crucem Cardinalis Sanctiandreae Legati a Latere. Quod factum, nisi ecclesiastici ordinis reuerentia nos cohibuisset, supremo supplicio expiari oportuit; tantum tamen valuit ordinis dignitas, vt rem omnem tuae Sanctitati permiserimus, quam fusius intelliget ex litteris Cardinalis Sanctiandreae.'—(Epist. Reg. Scot. foll. 58, 59. MS. Reg. House.)

The Cardinal's account, written on the 6th July 1545, a month after the event, is also addressed to the Pope: 'Verum dum assiduis et indefessis laboribus publica subeo negotia, ut aliorum consulam otio et quieti, Gavinus Archiepiscopus Glasguensis modernus manifestum scanduli initium praebuit. Nam cum ego in comitatu Serenissimae Reginae et Illustrissimi Gubernatoris ad civitatem Glasguensem profectus essem, dictus Archiepiscopus Crucem suam me praesente deferri fecit, ac populo benedicere non erubuit. Ego autem, ut huius reipublicae tranquillitati consulerem, ne quis tumultus ob hunc causam suboriretur, licet privilegiis Sanctitatis Vestrae munitus de iure ac etiam de facto, suae temeritatis atque audaciae penam infligere potuissem, nihilominus illum quanta potui humilitate atque modestia ut ab incoeptis desisteret admonere curavi. Ille autem non tantum monitis meis minime obtemperans, sed etiam quod dicto Gubernatori de ipsa Cruce non ferenda promisit non observans, armatis militibus instructus Glasguensem ecclesiam ingressus, ubi ego audiendi sacra causa conveneram, me cum aliquo vitae meae discrimine invadere conatus est, adeoque Gubernator ipse facti turpissimi indignitate offensus, et alia per ipsum Archiepiscopum per antea perpetrata facinora memoria repetens, eo ipso die supplicium fieri decreverat, nisi precibus contendissem, ut totum negotium huiusmodi ad Sanctitatem Vestram perferretur.'—(Theiner, Vet. Mon. Hib. et Scot. p. 617.)

Knox, writing about fifteen years afterwards, describes the scene with his accustomed spirit, and with not more than his accustomed rudeness: 'The Cardinall was knowin proude; and Dumbare, archibischope of Glasgw, was knowin a glorious foole; and yitt becaus sometyme he was called the Kingis Maister, he was Chanceilour of Scotland. The Cardinall cumis . . . to Glasgw . . . But whill they remane togither, the one in the toune, the other in the Castell, questionn ryses for bearing of their Croces. The Cardinall alledgeid, by reassoun of his Cardinallschip, and that he was Legatus Natus and Primat within Scotland, in the kingdom of Antichrist, that he should have the pre-eminence, and that his Croce should not onlye go befoir, but that also it should onlye be borne, wharesoever he was. Good Gukstoun Glaikstour, the foirsaid Archibischop, lacked no reassonis, as he thowght, for mantenance of his glorie: He was ane Archibischope in his awin diosey, and in his awin cathedrall seat and church, and tharefor awght to give place to no man: the power of the Cardinall was but begged from Rome, and apperteined but to his awin persone, and nott to his bischoprik; for it mycht be, that his successour should not be Cardinall: bot his dignitie was annexed with his

Contention between St Andrews and Glasgow: Archbishops Hamilton and Beaton, A.D. 1549-1560.

Roman Catholic Archbishop who sat in the chair of St. Kentigern—procured from Pope Julius the Third a bull which once more made the exemption perpetual.[1] It was in vain that Archbishop Hamilton, the Cardinal's successor in the Primacy, reclaimed against the concession, or asked for increase of his own privileges; in vain that his remonstrances or entreaties were supported by his brother the Duke of Chatelherault, the Regent of the realm, and by King Henry the Second of France. All that they could obtain, before the Reformation put an end to the struggle, was a grant to St. Andrews of the power of Legate a Latere throughout Scotland.[2]

The peculiar relations, the long and bitter strife, of the rival Metropolitans, seem for nearly half a century to have prevented any attempt

office, and did apperteane to all that ever should be Bischoppis of Glasgw. Howsoever these dowbts war resolved by the doctouris of divinitie of boith the Prelettis, yitt the decisioun was as ye shall hear. Cuming furth or going in (all is one), att the qweir doore of Glasgw Kirk, begynnes stryving for state betuix the two Croce beraris, so that from glowmying thei come to schouldering; frome schouldering thei go to buffetis, and from dry blawes, by neffis and neffelling; and then for cheriteis saik, thei crye *Dispersit, dedit pauperibus*, and assayis quhilk of the Croces wer fynast mettall, which staf was strongast, and which berar could best defend his maisteris pre-eminence; and that thare should be no superiorite in that behalf, to the ground gois boyth the Croces. And then begane no litill fray, but yitt a meary game; for rockettis war rent, typpetis war torne, crounis war knapped, and syd gounis mycht have bene sein wantonly wag from the one wall to the other. Many of thame lacked beardis, and that was the more pitie; and tharefore could not bukkill other by the byrse, as bold men wold haif doune. Butt fy on the jackmen that did nott thare dewitie! for had the one parte of thame reacontered the other, then had all gone rycht. But the sanctuarye, we suppose, saved the lyves of many. How mearelye that ever this be writtin, it was bitter bowrding to the Cardinall and his courte. It was more then irregularitie; yea, it mycht weall have bene judged lease majestie to the Sone of Perdition, the Papes awin persone; and yitt the other in his foly, as proud as a packoke, wold lett the Cardinall know that he was a Bischop when the other was butt Betoun, befoir he gat Abirbrothok.'—(Hist. of Reformat. in Scot. vol. i. pp. 145-147.)

The Bishop of Ross, who wrote in 1571, seems to refer the disturbance to the year 1543, and to make light of it: 'But now to returne to the foirsaid Patriarche of Venice, quha wes send expreshe be the Paip. At his first cumming to Glasgw, the Cardinall and the principall Bischopes come thair and ressaved him with gret honour. But in the meintyme, thair happinned ane suddane discord within the Kirk of Glasgw, betuix the Cardinall and Bischoppe of Glasgw, for thair preheminence of the bering of the Cardinallis Crosse within the Kirk, quhair baith the Archebischoppes Crosses was brokin and diverse of thair gentillmen and servandis wes hurt.'—(Bp. Lesley, Hist. of Scot. p. 178.)

The affair is briefly noticed in the contemporary Pollok Chronicle: 'Vpoun the fourt day of Junij [1545], the Bischope of Glasgow pleit with the Cardinall about the bering of his Croce in his dyocie, and boith thair Croceis was brokin in the Kirk of Glasgow throw thair stryving for the samin.'—(Diurnal of Occurrents, p. 39.)

[1] The bull is dated on the 26th October 1552. It is copied in Lib. G. Makeson, pp. 88-95. MS. Cf. Lib. Offic. S. Andr. pp. 165, 166.

[2] Lib. G. Makeson, pp. 70-73, 151-156, 161, 175-198, 254, 256-284, 288-298. MS. Lib. Offic.

to assemble a Synod of the Scottish Church. On one hand, the denial to Glasgow of the privileges of Primate and Legate Natus conceded to York, appears to have kept the successor of St. Kentigern from following the example of the Primate of England, in holding his own Provincial Council. On the other, the exemption of Glasgow from the Metropolitan, Primatial, and Legatine authority of St. Andrews, seems to have precluded or deterred the successor of 'the Bishop of the Scots' from summoning a Provincial Council of all Scotland.

General Provincial Councils held by the Archbishop of St. Andrews, Primate and Legate Natus of all Scotland.

Meanwhile the Reformation was advancing rapidly. The Pope's authority had been set aside on the other bank of Tweed; and on this, the people were becoming daily more and more impatient of the gross and growing corruptions of the Church. The young King of Scots, already on indifferent terms with most of his Prelates, found fresh cause of offence in their resistance to his proposed tax on ecclesiastical benefices for the support of his new College of Justice or Court of Session.[1] They succeeded in reducing the impost from ten thousand to little more than fourteen hundred pounds a year; and even this lesser sum could not be levied without the authority of a Synod of the Scottish Church. Parliament, therefore, passed an ordinance declaring that in the opinion of the three Estates it was expedient that a General Provincial Council of the realm should meet in the following spring; that the King should require the Archbishop of St. Andrews to call and hold it; if he refused, that the King should seek a brief from the Pope empowering any two Bishops of Scotland to act in room of the Primate. The Archbishop of Glasgow, the Chancellor of the kingdom, gave his consent to the ordinance, but not without a protest that it should nowise prejudice the privilege and jurisdiction of his Metropolitan see.[2]

S. Andr. pp. xxxix.-xliii. 164-168. Dr. M'Crie's Life of Knox, pp. 374, 375. edit. 1855. Bp. Keith's Hist. of Ch. and State of Scot. vol. i. pp. 443.

[1] Diurn. of Occurr. pp. 15, 16. State Papers of King Henry VIII. vol. iv. part iv. p. 617. Theiner, Vet. Mon. Hib. et Scot. pp. 597, 598. Bp. Keith, Hist. of Ch. and State of Scot. vol. i. pp. 464-482. Sir Ilay Campbell's Acts of Sederunt of Court of Session, pp. 85-104.

[2] 'Item anentis the article for ane Generale Prouinciale Counsale of Scotland to be haldin, it is thocht expedient be the Lordis thre Estatis of Parliament that ane Generale Prouinciale Consale of this realme be sett and haldin in the Blak Freris

Act of Parliament for holding a General Provincial Council, 12. Jun. 1535.

General Provincial Council at Edinburgh, 1-17. Mar. 1536

In summoning the Synod, the Primate, James Beaton, set forth the ordinance of Parliament, the King's request, the consent of the Archbishop of Glasgow; hut took care also to affirm that the convocation of a Provincial Council belonged of right to the Archbishop and Metropolitan of St. Andrews, Primate of all Scotland, Legate Natus of the Apostolic See.[1] The successor of St. Kentigern, on the other hand, was not less careful in the letters which he issued to his suffragans, to avoid all recognition of the summons of the Primate of St. Andrews, all mention even of his name, and to speak of the Synod as assemhled by counsel of the King in Parliament, with the unanimous consent of himself and the rest of the clergy, under explicit reservation of the privileges conceded to Glasgow by the Apostolic See.[2]

The business of the Council was to he prepared in a preliminary assemhly on the twenty-second of February. The Council itself was summoned to meet in the Blackfriars' church at Edinhurgh, on the first of March, Ash Wednesday; but its sittings would appear not to have

of Edinburghe, and to begyne the first dey of Merche nixtocum; and that the Archibischop of Sanctandris be requirit be the Kingis Grace to sett and halde the said Counsale et the said day, the hale clergy beande lauchfullie warnit therto as efferis; and gif my Lord of Sanctandris refusis to sett and halde the said Counsale, or that vther impediment be that he may nocht do the samyn, that the Kingis Grace send to our Haly Fader the Paip for ane breve to ony twa bischopis of this realme that his Grace thinkis conuenient for setting and halding of the said Counsale.

'My Lord Archibischop of Glasgw, Chancellar, askit instrumentis that forsamekle as thare is ane article deuisit and concludit that ane Generale Prouinciale Counsale be haldin in the Freris Predicatouris of Edinburghe, and to begyne the first day of Merche nixtocum, and that my Lord of Sanctandris be warnit and requirit be the Kingis Grace to halde the samyn, that my said Lorde Chancellar for the commonoe wele of this realme consentis that the said Archibischop of Sanctandris hald the samyn, without preiudice off his Archibischoprie of Glasgw, priuelege and jurisdictioune grantit to him and his successouris.'—(Act. Parl. Scot. vol. ii. p. 342.)

[1] Appendix to the Preface, XVI.

Form of summoning General Provincial Councils of the Scottish clergy, in the sixteenth century.

'Servetam fuisse constat in convocandis et habendis Synodis nostris Provincialibus formam quae sequitur. Archiepiscopus Sancti Andreae, Scotiae Primas, hortante (non autem jubente, aut literis ad eum datis mandante) Regina regente, indicit et convocat, auctoritate sua Metropolitica et regni Primatiali, Concilium Provinciale-Generale totius Cleri Scoticani habendum, ipso Primate praeside et proponente, loco tali, inchoandum die tali, cum continuatione dierum, pro conservanda libertate ecclesiastica, pro Catholica religione sustentanda, pro suppressione haeresium pro moribus reformandis etc., missis in hunc finem literis convocationis tum ad suos suffraganeos Episcopos, tum ad Archiepiscopum Glasguensem, qui eodem modo suos etiam suffraganeos ad idem Concilium convocaret. Injunctum est etiam singulis Episcopis, ut Abbates, Priores, Commendatarios, etc. requirerent die et loco praescriptis Concilio adesse'—(T. Innes, De Synod. Vet. ep. Scot., Wilk. Conc. Mag. Brit. et Hib. t. i. pp. xxxi. xxxii.)

[2] Appendix to the Preface, XVII.

General Provincial Council at Edinburgh, 1-17. Mar. 1536.

begun until ten days afterwards.[1] They lasted for a week. Of what was done during that time, scarcely anything is known, except that at least one object of the King and Parliament in convoking the Council was accomplished by the imposition of a yearly tax upon the Prelates for the maintenance of the College of Justice.[2] It would appear that the King urged the Council to give up the Corse Presents, Church Cow and Upmost Cloth,[3]—the bateful mortuary dues exacted by the

[1] A.D. 1535-6. 'Vpoun the elleviot day of Merch, thair was ane Provinciall Counsall of the haill Prelatis of this realme haldin in the Blak Freris of Edinburgh, quhair thej ratifijt the actis and statutis maid befoir, be ane commissioun, of the Papis honour, with sum additionis. The said Connsell lastit quhill the xvij. of the said monethe.'—(Diurnal of Occurrents, p. 20.)

Yearly tax or contribution for the mainteoance of the Court of Session, granted by the General Provincial Council of Edinborgh, A.D. 1536

[2] 'Secundo Aprilis [anno Domini etc. v^c xlj^o.] Aneot Oure Souerane Lordis lettrez, rasit at the instance of Maister Henry Lauder adoocat to Oure Souerane Lord, aganis Daoid Cardinall of Sanctandrois commendatar of the Abbay of Abirbrothok, that quhar it was grantit be Oore Haly Fader the Pape and the Sege of Rome, to Oure Sonerane Lord, to the eustentatioune of ane College of Justice be his Grace for dalie administratioun of justice to all Oure Soueraoe Lordis liegis, the sovme of x^m pundis yerlie, to be wptakin of the frutis of the Prelatis of this realme; and tharefter Oore said Souerane Lord, at the speciale request and dissire of the saidis Prelatis, and for the weill and zele his Grace bure to the Kirk of Scotland, transactit with the saidis Prelatis for the sovmn yerlie of jmiiij^cxxv. pundis xviij. schillingis to be pait be assignatioun of benefecis and vthir wayis for the said yerlie susteotatiouo; and becaus the saidis benefecis was nocht abill haistalie to waik, and tharthrow the personis chosin vpouo the said College wald be frustrat of the said yerlio sostentatioune; aod tharfor, aod for vthiris caosis concerning the vniuersale wele of this realme, his Grace gart certane convine ane Generale Consale of Clargy of this realme, in the quhilk it was grantit be the Prelatis beand present and haifand power tharto, that all the saidis Prelatis suld content and pay, to the Collectoor to be chosin, ilk man eftir the raitt aod qoantite of the benefece assignit be tham, and vthir wayis as thai war oblist; and albeit ane pairt of the saidis Prelatis hes payit and fulfillit thar promitt, neoertheles the said Commeodatar is restand awand to the Collectour of the said Contrihutioon his pairt tharof, for his benefice of the Archbischoprik of Sanctandrois and Abbacy of Abirbrothok, be the space of v. yeris last bipast, extending yerlie the taxt of the said Archebischoprik to lxx. pundis, and of the said Abbay to the sovme of lxxxiiij. pundis; and will mak the said Collectour oa pament tharof: And aneot the charge gevin to the said Daoid Cardinale to compere to here and se lettrez be gevin to poynd and distrenye his temporale landis and gudis for the said sovme, or ellis to allege aoe resonabile causs quhy, lik as at mair lenth is conteuit in the saidis lettrez: The said Aduocat being personalie present, and the said Cardinale comperand be Maister Thomas Marioribankis his procuratour, The Lordis of Counsale with consent of the said Maister Thomas procaratour forsaid decernis and ordanis lettrez be direct to poynd and distrenye the said Dauid Cardinale of Sanctandrois temporale landis and gudis for his pairt of the said Cootributiouo of his beoefices aboue writtin yerlie during the saidis spaces, extending to the sovmes aboue specifeit, and siclik yerlie and termlie in tyme tocum.'—(Acta Dominorum Concilii et Sessionis, vol. xv. fol. 102. MS. Regist. House.)

The roll or table of the 'Cootributioo,' showing the amonnt payable by each of sixty-two Prelates,—two archbishops, eleven bishops, twenty-eight abbots, thirteen priors, six prioresses, one preceptor of the Knights of St. Joho, one minister of the Red or Trinity Friars,—is printed in the Miscellany of the Bannatyne Clob, vol. ii. pp. 51-53.

[3] See below, pp. 148, 149, 167, 168, 304-306.

The abuse of Mortuaries was redressed in England in 1529. Some of the Reforming clergy seem early to have scrupled at receiving them in Scot-

General Provincial Council at Edinburgh, 1-17. Mar. 1536.

parochial clergy on the deaths of their parishioners,—and to grant every husbandman a lease of his tithes for a certain fixed payment.[1] The advice was not followed, although it is said to have been accompanied by a menace that if it were rejected the King would compel the clergy to grant feus of the church lands at the old rents.[2] James, indeed, with no favour for the Reformed doctrines, had little liking or respect for the priests of the old faith, to whom no flattery, no solicitations of Rome could reconcile him.[3] It was in vain that the Apostolic

land.—(Linds. of Pitscott. Hist. Scot. p. 275. edit. 1749. Mr. D. Laing's Knox's Hist. Reformat. Scot. vol. i. pp. 521, 522.)

[1] See below, pp. 170, 171, 306.

The abolition of Mortuaries and commutation of Tithes, said to have been urged upon the General Provincial Council of Edinburgh, by King James v., 1-17. Mar. 1536.

[2] This rests on the authority of a letter from Archibald sixth Earl of Angus to his brother Sir George Douglas, written from Berwick-on-Tweed, a week after the Council: 'And ye sall weit, for other thyzandis in to Schotland, the Clarge is sitand on in Generall Cownsell in to Edynbrowgh apon an serten artykillis that the Kyng hais pat to tham. The Kyng is nocht in to the town hym selff, and werra fewe temperall Lordes. And at the makyn of this wrytyn the Kyng was in Crawfurd Jhon in Cledysdal, and send his writyn to Edynbrowge to the Clarge. The bereres of this wrytyn was Schyr Jamys Hamylton and Nycoll off Crawfurd, and Mayster Jamys Fowlys. This was the pwntis of the Kyngis charg and command as I was adwertesit; bydand theClarge gyff owr the Crospresandas and the Owmest Claytht throw all Schotland that thai sowld be na mayr tayn, and at ewere man swld haif his awn teynd payand tharfor for his teyndis syklyk as he payes to his landis lord of his malys, and na meyr for all his hayll tendes. And Schyr Jamys and the tother twa sayd to the Clarge, and thai grantit nocht to that at the Kyngis command, that thar sowld be an charg layd to tham that he swld ger tham set all thar the temporall that the kyrk hau to few, and to hayff for it bot the ald mayll syklyk as the ald rentalys berys. The kyrkmen of Schotland was newer as ewyll content. The word is now throw all Schotland that the Kynges wyll meit, for tham that was serest agayn it into Scotland sayis that the Kyng wyll meit his wnkyll with the grace off God, and trastis nocht ellis. For thir thyzandis thet I wryt to yow that the man that schew me tham com fra the Kyng to Edynbrowge, and hard the charg gyffin to tham with thir thre that I wrait off be for. Nocht elles as now, bot God hayff yow in His kepyn. Wretyn at Berwyk, the 24 day of Marche.'—(State Papers of King Henry VIII. vol. iv. part iv. p. 667.)

The date of the letter—left in doubt by the editor of the State Papers—is sufficiently ascertained by the documents regarding the Provincial Council printed in this volume. It further appears, elsewhere, that the King was at Crawford John on the 16th March 1535-6.—(Reg. Mag. Sig. lib. xxv. no. 267. MS. Reg. House.)

Papal Nuncios in Scotland, A.D. 1532-37.

[3] In 1532, Pope Clement VII. sends Silvester Darius, high in office at the Vatican, as Apostolic Nuncio to Holyrood, to confirm and enlarge the privileges accorded to Scotland by Rome. In the same year, the same Pontiff writes to King James v. with a profusion of praise and gratitude for his readiness to join in a crusade against the Turks. In June 1536, Pope Paul III. informs the King that a Papal Nuncio is commissioned to Scotland, and entreats James to wait his arrival before proceeding to meet King Henry VIII. in England. Four months afterwards the same Pope despatches the General of the Servites—Dionisio Laurerio, afterwards a Cardinal—to announce to the Scottish King that a General Council (the memorable synod which afterwards met at Trent) was to assemble at Mantua. In February 1537, his Holiness writes to James, bespeaking his favourable reception of Cardinal Pole, the Papal Legate to England. In January 1543, the Pontiff grants to the King of Scots a large subsidy from the church revenues of Scotland—'sex decimas fructuum ecclesiasticorum unius biennii'—for war against the English King—'perditionis et Sathanae filium Henricum, qui pro Rege Angliae se gerit . . . et nihil aliud molitur,

See despatched Legate after Legate to his court; in vain that it sent him its most precious gifts, the mystic Cap and Sword blessed by the Pope on Christmas night;[1] in vain that it proffered him the title of Defender of the Christian Faith.[2] In the face of all its blandishments

nisi ut regnum Scotiae occupet, et Catholicam et Orthodoxam fidem in eo, sicut in Anglia fecit, destruat.' But the grant came too late—James died at Falkland a month before it passed the seals at Rome.—(Epist. Reg. Scot. vol. ii. pp. 41, 42. M. Teulet, Relat. Polit. de la France avec l'Ecosse, t. i. p. 89. edit. 1862. Bp. Lesley, Hist. of Scot. pp. 145, 146. Sir Ilay Campbell's Acts of Sederunt of Court of Session, p. 7. Act. Parl. Scot. vol. ii. p. 335. Theiner, Vet. Mon. Hib. et Scot. pp. 601, 602, 607. Diurn. of Occurr. pp. 15, 17. Raynald. Annal. Eccl. ann. 1532. § VII. ann. 1536. § XXXII. ann. 1537. §§ V. XXXIX. ann. 1543. §§. LIV. LV. t. xiii. pp. 243, 244, 410, 437, 452, 453, t. xiv. pp. 61-63. State Pap. of King Henry VIII. vol. v. p. 46.)

Letter of Pope Paul III. to King James V., with a Sword and Cap blessed by his Holiness on Christmas night, 19. Jan. 1537.

[1] '[Paulus Episcopus servus servorum Dei . . .] Regi Scotorum . . . Consueverunt Romani Pontifices in sacratissima Nativitatis Domini Nostri Jesu Christi nocte quotannis ensem cum pileo solemni caeremonia benedicere, et alicui Christianorum Principum dono mittere, quem hoc sacro munere ornent et spirituali virtute adversus Sanctae Ecclesiae et Catholicae fidei hostes muniant, quod si quando antea, fili charissime, nunc maxime, cum tot haereses Sanctam Ecclesiam lacerant, pernecessarium est. Cum vero nos exemplum nostrorum praedecessorum sequuti, ipsum ensem cum pileo in proxima Natalis Dominici nocte benedixissemus, et ad quem potissimum mitteremus eos animo volveremus, tua in primis Majestas nobis occurrit quae dignissima eo munere nobis videretur: id enim aetati et virtuti congruit tuae, tum religioni animi tui debitum est, et hoc tempore aptissimum, cum multum gaudentibus nobis Christianissimi Regis pietati tua pietas etiam affinitate conjuncta est, et vicini tibi Regis impietas divina ultione concutitur. Ad te igitur, quem Catholicum Principem et hujus Sanctae Sedis devotissimum filium habemus, hunc ensem cum pileo, per dilectum filium Joannem Antonium comitem de Campeggio camerarium nostrum praesentium latorem mittimus, Deum suppliciter deprecantes, ut tibi qui tuum regnum venenis vicinarum haeresium, quamvis saepius sollicitatus, nunquam inquinari passus es, foelicitatem concedat, dextram ense firmet caputque tuum hoc pileo vi Spiritus Sancti per Columbam figurati protegat ad tutelam Sanctae Ecclesiae et Catholicae fidei adversus eos in quos Dei justitia atque judicium nunc praeparantur. Tu igitur pro tua pietate hoc munus nostrum Christiano affectu et devota veneratione suscipies, nec tam muneris qualitatem quam mysterium et vim spiritualem ejus perpendes, ob quae maximi quique Principes semper se hoc munere a Sede Apostolica valde honestatos putaverunt, sicuti et te pro nostra in te benevolentia, tuaque in nos observantia, nunc existimaturum speramus. Ut autem ipsum debita cum caeremonia, sicut a nobis benedictum est, etiam tuae Serenitati tradatur, mandamus venerabili fratri Archiepiscopo Glasguensi, vel cuivis alteri Catholico antistiti per te eligendo, ut solemni Missa in aliqua ecclesia per te pariter eligenda, ab eo in tua praesentia celebrata post eius solemnia, dictum ensem cum pileo tuae Majestati et ex parte nostra assignet. Datum Romae XIX. Januarii MDXXXVII. anno [pontificatus nostri] III.'—(Raynald. Annal. Eccles. ann. 1537. § XL. t. xiii. p. 453.) Cf. Drumm. of Hawthornden, Hist. of Scot. pp. 304-306. edit. 1681.

The cap appears in the inventories of the royal wardrobe in 1539 and 1542, but seems to have been lost before 1556: 'The Hatt that cam fra the Paipe of gray velvott with the Haly Gaist sett all with orient perle.'—(Mr. T. Thomson's Collect. of Invent. pp. 49, 76. Invent. of Mary Queen of Scots, p. xiii.)

[2] I have not observed any instance in which King James V. himself took the style of Defender of the Christian Faith. But it would appear from a letter from Sir Thomas Wriothesley to a Scottish lord (probably Bishop Stewart of Aberdeen), supposed to be written in July 1541, that the style had been ascribed to him on the title-page of a printed book: Style of Defender of the Christian Faith offered to King James V.

'Uppon the arryvall of . . . Mr. Sadler, there wer conveyed hither from Scotland sundry litel bookes imprinted; and, amonges other, one intitled *The Trompet of Honour*, wherin in the veray titling in the furst front of the boke the King [*i.e.*, of Scots] your maister takethe uppon him a pece

he incited Buchanan to lash the Mendicant Friars in the vigorous verse of the Franciscanus.[1] He encouraged hy his presence the public performance of a play which, it has been supposed, 'contributed more to the Reformation in Scotland than all the sermons of John Knox'[2] — Sir David Lindsay's Satire of the Three Estates,[3]

> 'Which bursting on the early stage
> Branded the vices of the age,
> And broke the keys of Rome.'[4]

of the title of the Kinges Majestie [*i.e.*, of England], being the King your maister therin called DEFENSOUR OF THE CHRISTIEN FEITH, wherby His Majestie shuld have greate cause to think more thenne ankindnes, if he wold willingly take his title oppon him. And the conjecture is the more pricking, bicause he added therto the CHRISTEN Feith, as though there shuld be any other then the Christen Faithe, whiche semethe to have an other meanyng in it thenne oon good Prince canne thinke of an other, moche lesse a freende of his freende, or a nephien of his uncle, if he wold shewe himself to esteme his freendeship.'—(State Pap. of Kiog Henry VIII. vol. v. p. 191.) Cf. Thorpe's Calend. Scot. State Pap. vol. i. p. 40.

Buchanan's Franciscanus, A.D. 1537-64.

[1] See Buchanan's dedication of the Franciscanus, as finally revised and completed, to the Earl of Murray, in 1564: 'Rex jampridem eorum [*sc.* Franciscanorum) artes deprehendere coeperat, et ad opinionem de flagitiis eorum prope confirmatam nova etiam accesserat offensio, quod in causa hominis nobilis, qui majestatis erat accusatus, Franciscani, qui in omnia omnium negotia *falcem* (quod dicitur) *immittere* solerent, parum sincere se gessissent. Itaque iisdem fere quibus haec gerebantur diebus, cum ad Regem, qui me paullo ante filio suo instituendo praefecerat, in Aulam venissem, is mihi continuo multis audientibus imperavit, ut in Franciscanos aliquid, idque etiam acriter, scriberem . . . Rex acriores a me stimulos poscebat, qui non modo summam pungerent cutem, sed in intima usque praecordia penetrarent. . . . Itaque scripsi,' etc.

Compare Buchanan's sketch of his own life, under the years 1537-1539. Knox's assertion (Hist. Reformat. vol. i. p. 71), that King James V.—that 'indurat, licherous, and avaritious tyrrane'—ordered Buchanan to be seized for heresy, is unsupported by any other authority, and seems irreconcilable with what Buchanan himself writes.

[2] Pinkerton's Scottish Poems Reprinted, vol. i. p. xvii.

Sir David Lindsay and John Knox.

The same writer remarks elsewhere, that 'in fact Sir David Lindsay was more the Reformer of Scotland than John Knox.' — (Ancient Scottish Poems, vol. i. p. cv.) It was not, indeed, until some years after the Scottish King and court had sanctioned the public performance of Lindsay's drama—after the Scottish Parliament had sanctioned the free use of the Bible among the people —that Knox, at the prudent age of forty, had the wisdom or the courage to show himself among the followers of the new faith. See below, p. 309. If, apart from the consideration that Knox only reaped where Lindsay had sown, we try to estimate the character of the two Reformers from the writings which they have left, it is too often painful to contrast the verse of the unassuming, kindly, tolerant layman with the prose of the vain-glorious, arrogant, sanguinary divine.

Lindsay's Satire of the Three Estates, 6. Jan. 1540.

[3] See a contemporary sketch of the drama, in its first draught, as it was acted before the King and Court at Linlithgow, on Twelfth Day 1540, in Pinkerton's Hist. of Scot. vol. ii. pp. 495-497. A better text of the play than has yet been seen, may be looked for in the new edition of its author's works, which we are to owe to the care and experience of Mr. David Laing.

[4] Marmion, cant. iv. st. 7.

The last line was obviously suggested to Scott by a 'Moral Dialogue,' published in 1564, hy the brother of Queen Anne Boleyn, in which the Poet of the Scottish Reformation, the Burns of the sixteenth century, is figured as 'an ancient knight,' seated 'in a black chair of jet-stone, in a coat of arms . . . . bearing upon his breast a white lion, with a crown of rich gold upon his head, . . . his name Sir David Lindsay upon the Mount, . . . with a hammer of strong steel in his hand, breaking

King James v. warns the Scottish Prelates to reform their lives, A.D. 1540-1.

He enforced the object of that remarkable drama hy exhorting the Bishops to reform their lives, under a threat if they neglected his warning that he would deal with them after the fashion of his uncle of England.[1] He repeated the exhortation in his last Parliament, declaring that the negligence, tho ignorance, the scandalous and disorderly lives of the clergy, were the causes why church and churchmen were scorned and despised.[2]

asunder the couoterfeit keys of Rome, forged by Antichrist,' and prayiog for the day when the whole isle of Britaio should be 'one land,' worshipping 'one God,' haviog 'one faith, one baptism, one law, one king.'—(Lord Lindsay, Lives of the Lindsays, vol. i. pp. 260, 261.) This ever pleasing work gives an admirable analysis of the opinions, religious and political, of the Lion King at Arms.

[1] See Sir William Eure's remarkable letter to the Lord Privy Seal of England (Cromwell), written from Berwick-on-Tweed, on the 26th January 1539-40:

'I hade diverse commynynges with Mr. Thomas Bellendyn, one of the Councellours for Scotlande . . . touching the staye of the spiritualtie io Scotlande. Aod gathering hym to be a man inclyned to the soorte used in our Soverains realme of England, I dide soe largely breke with hym in thoes behalves, as to move to knowe of hym of whate mynde the King and Counsaile of Scotland was inclyned unto concernyng the Busshope of Rome, and for the reformation of the mysusing of the spiritualtie in Scotlaode. Wherunto he gootlie and lovinglie aunswered . . . that the King of Scottes hym self, with all his temporall counsaile, was gretely geven to the reformation of the mysdemeanours of Busshops, religious persounes and preistes, within the realme; aod so moche that, by the Kioges pleasure, he being prevey therunto, thay have had ane enterluyde played in the Feaste of the Epiphane of Our Lorde laste paste, before the King and Quene at Lighqwoe, and the hoole Counsaile spirituall and temperall. The hoole matier whereof concluded upon the declaration of the coughtines in religion, the presumption of Busshops, the collution of the spirituall courtes, called the Concistory Courtes, in Scotlande, and mysusing of preistes . . . After the said eoterluyd fynished, the King of Scottes dide call upon the Bushope of Glascoe, beiog Chauncelour, and diverse other Bushops, exorting thaym to reforme thair facions and maners of lyving, saying that oneles thay soe did, he wold sende sex of the proudeste of thaym unto his uncle of England, and, as thoes were ordoured, soe he wold ordour all the reste that wolde not amende. And therunto the Chauncelour shuld aunswer, and say unto the King, that one worde of his Graces mouthe shuld suffice thayme to be at commaoodement. And the King haistely and angrely aunswered, that he wold gladely bestowe any wordes of his mouthe that could amend thaym.'—(State Pap. of King Henry VIII. vol. v. pp. 169, 170.)

Knox gives another version either of the same memorable speech, or of one to the same purpose: 'Pack, you jefwellis! Gett yow to your chargeis, and reforme your awin lyves, and be nott instrumeotis of discord betuix my nobilitie and me; or ellis, I avow to God, I shall reforme yow, not as the King of Denmark by impreasonment does, oeyther yitt as the King of England does, hy hanging and headiog; but I shall reforme yow hy scharpe whiogaris, yf ever I heir such motioun of yow againe.'—(Hist. of Reform. vol. i. pp. 82, 83.)

Sir James Melville's report runs: 'Wherfore gaif my predecessoris sa many landis and rentes to the Kirk? Was it to mentean halkis, doggis, and hures, to a nomber of ydle prestis? The King of England burnis, the King of Denmark beheadis you. Bot I sall stik you with this same qhinger.'—(Sir J. Melv. Mem. pp. 63, 64. Bannat. Club edit.)

[2] 'Becaus the negligence of divyne seruice, the grett vnhooeste in the Kirk throw nocht making of reparatioune to the honour of God Almychty, and to the Blissit Sacrament of the Altar, the Virgyne Mary and all Haly Sanctis, aod als the vnhonestie and misreule of Kirkmen baith in witt, knawlege and maneris, is the mater and caus that the Kirk and Kirkmen ar lychtlyit and contempnit: For remeid hereof, the Kingis Grace exhortis and prayis oppinly all Archibischopis,

Act of Parliament 'for reforming of Kirkis and Kirkmen,' 14. Mar. 1541

Parliament enacts that the Scriptures may be read by the people in the vulgar tongue: the Church protests that the question should first be determined in a Provincial Council, 15. Mar. 1543.

The use of the Bible in the vernacular had been sanctioned in England in the year 1538. Five years afterwards, the Parliament of Scotland enacted that it should be lawful to all men to have and to read Holy Scripture, both the New and the Old Testament, in the common speech of the country, English or Scottish.[1] The Act, passed during the momentary ascendancy of English influences, of Reforming counsels, was resented by the Church as an encroachment on its prerogative. The Primate, the Cardinal of St. Andrews, had been seized and cast into prison; but, in his absence, the Archbishop of Glasgow, in name of the Prelates, as one of the three estates of the realm, protested against the passing of the ordinance until a Provincial Council of the clergy should debate and determine whether or not it was necessary that the Bible in the vulgar tongue should be used among the people.[2] The promised debate was never held. A Provincial Council met a few years afterwards, but it wisely abstained from attempting to discuss a question which, it must have felt, had been decided for ever.

Ordinaris, and vthir Prelatis, and euery Kirk man in his awn degre, to reforme thare selfis thare obedienciaris and Kirkmen vnder thame in habit and maneris to God and man, and that thai caus in euery kirk within thare diocy vnder thare jurisdictioune, cure, reule, reparatioun and reparaling to be honestlie and substantiouslie maid and done to the honour of God Almychtj, the Blissit Sacrament, and divine seruice, euery kirk eftir the qualite and quantite of the rentis: And giff ony persoun allegiand thame exemit and will nocht obey nor obtemper to thare superiour in that behalf, the Kingis Grace sall find remeid tharfor at the Papis Halynes; and siclik aganis the saidis Prelatis giff thai be negligent.'—(Act. Parl. Scot. vol. ii. p. 370.)

[1] Act. Parl. Scot. vol. ii. pp. 415, 425. Cf. State Pap. of King Henry VIII. vol. v. p. 263; Knox. Hist. Reform. vol. i. pp. 98-101.

[2] 'Ane maist reuerend fader in God Gawyne archiebischope of Glasgw, chanceler, for himself and in name and behalf of all the Prelatis of this realme beand present in Parliament, schew that thar was ane act instantlie red . . . that the Haly Write may be vsit in our vulgar toung . . . and allegit in the said act that the thre Estatis concludit the samin: Quhilk he, for himself and the remanent of the Prelatis being present as ane of the thre Estatis of the said Parliament, dissassentit tharto simpliciter, bot opponit thaim thairto vnto the tyme that ane Provinciale Consale mycht be had of all the clarge of this realme to avise and conclude tharupoune gif the samin be necessar to be had in vulgar toung to be vsit amang the Quenis lieges or nocht, and thareftir to schaw thar vter determinacioun quhat salbe done in that behalf; and tharupoune askit instrumentis.'—(Act. Parl. Scot. vol. ii. p. 415. Reg. Episc. Glasg. vol. ii. pp. 559, 560.)

Among the points of heresy for which Sir John Borthwick was condemned in May 1540, was the use of the New Testament in the vernacular: 'Novum Testamentum in vulgari Anglice impressum.'—(Bannat. Miscell. vol. i. p. 258.) The translation of Holy Scripture into the common tongue would seem to have been forbidden, about the year 1533, by the Archbishop of St. Andrews, in a decree which Alexander Alese assailed in a tract addressed to King James v.—(Raynald. Annal. Eccles. ann. 1533. § LXIV. t. xiii. pp. 310, 311.)

Imprisonment of Cardinal Beaton; cessation of divine service: the Patriarch of Aquileia sent as Nuncio to Scotland, A.D. 1543.

The imprisonment of the Cardinal laid his province, if not the kingdom, under interdict; and except where the Reformers prevailed, the altars were forsaken, the churches were closed, the voice of religion was silenced.[1] The Pope hastened to despatch a Nuncio, the Patriarch of Aquileia, to the scene;[2] but before he reached Scotland, Beaton had regained his liberty and his power. One of his first acts was to summon the prelates and clergy as well of his own diocese as of the dioceses under his Metropolitical and Primatial jurisdiction, to meet at St. Andrews.[3] The meeting

[1] 'Vpoun the xxvj. day [of January 1542-3] the Cardinall was put in pressonne in Dalkeith, throw quhais takking thair was na dew[ine] service done in na dyoceis, nor to na maner of greit men nor small, except thame the Governour gart serue on force. He was changit out of Dalkeith to Seytoun, and thair fra to Blaknes, and syne to Sanctandrois, thair to remayne induring the Governour's will. This (as was said) was done be the counsall of the Erle of Angus, quhais purpois was to destroy the kirkmen and thair religioun. . . . Vpoun the tent day of Aprile . . . the Cardinall was releivit out of captivitie, and to pas quhair he pleisit, and gat the court in gyding.'—(Diurn. of Occurr. pp. 26, 27.) Compare the protest of the vicar pensioner and the other priests serving in the parish church of St. Serf at Dysart, 'quod compulsi erant per literas Domini Gubernatoris moderni ad celebrandum divina intra dictam ecclesiam non obstante interdicto.'—(Notices from the Records of Dysart, pp. 5, 6. Maitl. Club: 1853.)

'This busynes that ys appon the takyng of the Cardynall . . . ys at suche a staye, that they can cause no preist within Skotland to synge Masse, syne the Cardinall was taken, neyder to crysten or burye.'—(Letter from Lord Lisle to the Duke of Suffolk, 1st Feb. 1542-3, in Stat. Pap. of King Hen. VIII. vol. v. p. 249: cf. p. 252.)

'And becaus they feared . . . the Cardinall . . . thay caused him to be put in ward . . . quhairthrow the diocye of St. Androis wes interditit, the Mess and all uther devine service ceassed in Edinburgh and in all uther partis of that diocie; for the quhilk caus the Governour, be persuatione of the Lordis newe come from Inglande, causit ane Blacke Frier, callit Frier Guiliame, preche aganis the Paipes aucthorytye, and usit sic service as he thought guide, notwithstanding the said interdictione, and maid leisum to every man to haif the Bible in Inglis, quhilk wes not permitted in Scotland of befoir: And swa at this tyme wes begun the first alteratione of religione in that realme.'—(Bp. Lesley, Hist. of Scot. pp. 171, 172.) Cf. Knox, Hist. Reform. vol. i. pp. 95-97, 105.

A letter from the Cardinal to the Pope, on the 2d of May 1543, excusing his apparent neglect of a summons to the General Council intended to be held at Trent, shows that he was well aware that his captivity was due to the intrigues of the sovereign who afterwards prompted his murder—King Henry VIII.: 'Nec Vestram Sanctitatem latere arbitror, in quantum ipse discrimen inciderim, dum contra impios pro ecclesia Dei eiusque fide ac libertate starem, omnemque Anglicane impietatis labem et contagionem arcere et propellere contenderem: quod cum agerem, nihilque mali suspicarer, dolo et fraude circumventus, in captivitatem et custodiam ad tres menses cum dimidio arripior, instigante ad id ac nonnullos corrumpente Anglorum Rege.'—(Theiner, Vet. Mon. Hib. et Scot. p. 614.) Cf. State Pap. of King Henry VIII. vol. v. pp. 242, 249, 250, 263, 467, 470, 471. Miscell. Mait. Club, vol. iv. pp. 71-74, 81-84, 86, 87, 94-97.

[2] See the letter of Pope Paul III. (25th March 1543) to the four Regents of Scotland, said to have been appointed by King James V.—'venerabili fratri et dilectis filiis tribus Deputatis ad regimen Scotorum'—intimating the mission of Mark Grimani, Patriarch of Aquileia, to Scotland, in Raynald. Annal. Eccles. ann. 1543. §§ LIV. LV. t. xiv. pp. 61-63. Cf. State Pap. of Henry VIII. vol. v. pp. 286-288, 352, 354; Bp. Lesley, Hist. Scot. pp. 175, 178-180; Diurn. of Occurr. p. 28; Sadler's State Pap. vol. i. pp. 199, 200, 205, 313, 318, 319; Epist. Reg. Scot. vol. ii. pp. 188-192, 194, 195.

[3] Appendix to the Preface, XVIII.

General Convention of the Scottish Church at St. Andrews, May 1543.

seems to have been hastily called, for a special purpose—war with heretical England,—and, in accordance with the usage of the civil legislature in like cases,[1] it received the name not of a Provincial Council but of a General Convention. It resolved to levy a sum of ten thousand pounds by a tax upon all prelacies and benefices of the yearly value of not less than forty pounds;[2] and such was the spirit of the clergy, that rather than the war should languish they vowed that they would spend both their own plate and the plate of their churches; nay, if need were, take the field in person.[3]

Distinction between a Parliament and a Convention.

[1] The distinction between a 'Parliament' and a 'Convention,' although obscured or obliterated in one memorable instance at the Revolution of 1688, seems to have been well understood. 'When the Estates,' says Erskine, 'were called by the Sovereign, for the particular purpose of imposing a taxation, or upon any special emergency which required immediate deliberation or advice, it got the name of a *Convention of Estates*. Those meetings consisted of any number of the Estates that might be suddenly drawn together by the King, without the necessity of a formal citation against them upon a precise number of days; and their powers were limited to that particular business for which they had been called.'—(Instit. book I. tit. iii. § 6.)

Cf. Wight on Elections, tit. ii. § 3, pp. 82-84. edit. 1773; Bp. Burnet's Hist. of Reformat. vol. ii. p. 588. edit. 1865.

'We have another meeting of the three Estates'—so the Lord Advocate of King Charles II. wrote—'called *The Convention of Estates;* which is now called upon twenty days, and proceeds in the same way that the Parliament does, differing only from it in that the Parliament can both impose taxations and make laws; whereas the Convention of Estates can only impose, or rather offer taxations, and make statutes for uplifting those particular taxations, but can make no laws. And of old, I find by the Registers of the Conventions (the eldest whereof now extant is anno 1583) that the Convention of Estates consisted of any number of the three Estates called off the streets summarly by the King; and yet they cried down or up money, and judged processes, which now they do not.'—(Sir G. Mackenzie, Inst. Law. Scot. book i. tit. 3; Works, vol. ii. p. 281.

But comp. Act. Parl. Scot. vol. ii. pp. 594-600, 606, 607; vol. iii. pp. 65-70, 84-94, 115-121, 187-192, 326-331, 423-427, 523-527. It would appear that all the members of a Convention were not always members of the Estates.

[2] Appendix to the Preface, XIX.

[3] 'De Reginae consensu, Cardinalis, coacto sacerdotum conventu, et magna ab eis extorta pecunia, quae imminentem universae Papanae ecclesiae ruinam averteret,' etc.—(G. Buchanan. Rer. Scotic. Hist. lib. xv. cap. 6.)

'In a frequent meeting of the clergy at S. Andrews, the Cardinal laying before them the dangers wherewith the clergy was threatned by the match with England, did earnestly incite them to oppose it, and contribute monys and imploy all their friendship to the contrary, seeing it concerned them no less than their lives or estates were worth. They making no difficulty, and offering to contribute all their means to that effect, appointed a present collection to be made, which was trusted to his disposing.'—(Abp. Spottisw. Hist. Ch. Scot. p. 73. edit. 1677.)

The English Ambassador in Scotland, writing to Whitehall, on the 20th May 1543, reports what was told him of the Convention by the Regent Arran:

'Touching the last Convocation at St. Andrews by the clergy, he saith, The same was not without his license and authority, but by him granted to the intent they should agree and determine upon such a mass and sum of money as they would give for the sustentation of the war, if the same should ensue. And he saith, There have assembled together at St. Andrews a great many of the Bishops but not all: wherefore, because many were absent, they dissolved their Con-

General Convention of the Scottish Church at Edinburgh, Jan. 1546.

Within two years, another Convention of the Scottish clergy met for a like purpose in the refectory of the Blackfriars' monastery at Edinburgh. It was convoked, like the former, by the Cardinal as Metropolitan and Primate of Scotland. The English had now crossed the Tweed; war was raging along the East March;[1] and the Convention unanimously granted a contribution of thirteen thousand pounds to be levied, as was now customary, by a tax upon all prelacies and benefices worth forty pounds a year.[2]

General Provincial Council at St. Andrews, Mar. 1546.

Not many months afterwards, the Cardinal, in right of his powers as Metropolitan, Primate, and Legate a Latere, called a General Provincial Council to meet at St. Andrews. He had armed himself with a brief from the Pope; and, as if even this might be insufficient to subdue the reluctance or opposition of the prelates and clergy, he threatened them,

vention the sooner, and prorogate the same to the 1st of June; at which time, the whole clergy intend to meet for the said purpose. And in the mean season they have resolved . . . that they will for the maintenance of the war give all the money they have, and also their own plate, and their churches plate, as chalices, crosses, censers and all, leaving nothing unspent in that quarrel, and fight themselves if need require. But the Governour saith, If the peace succeed he will stop their next Convention.'—(Sadler's State Papers, vol. i. p. 204.)

On the 3d of June, the English envoy again writes: 'The Governour told me, That where the clergy prorogated their last Convention to the 4th of June and were determined to have kept their day, he hath now broken and put off the same.'—(Ibid. vol. i. p. 211.)

Some of the clergy seem to have fought at Pinkie under a banner inscribed, AFFLICTAE SPONSAE NE OBLIVISCARIS.—(M. Teulet, Relat. Polit. de la France avec l'Ecosse, t. i. p. 155.)

[1] Diurn. of Occurr. p. 37.

[2] Appendix to the Preface, XX.

The record of the apportionment of the tax is still extant: 'Taxatio sequens super integra Scoticana Ecclesia, tam super prelaturis quam aliis minoribus beneficiis ad valorem annuum summe quadraginta librarum vel supra, ad rationem summe tredecim millium librarum usualis monete regni Scotie.'—(Taxat. super Scotic. Eccl. sec. XVI. foll. 13-25. MS. Reg. House.)

Buchanan distinguishes between the Convention at Edinburgh in January, and the Provincial Council at St. Andrews in March: 'Erat interim ibi [Edinburgi] conventus ecclesiastici ordinis ad Idus Januarias. In eo coetu cum jactata plurima fuissent de veteri ecclesiae libertate retinenda, de manifestis quibusdam sacerdotum flagitiis expurgandis, nec ullus inveniretur exitus, tandem delatum est ad eos, Georgium Sophocardium, concionatorem Evangelii longe populo acceptissimum, ad septem ab urbe millia passuum, apud hominem nobilem Joannem Cocburnum, diversari . . . Sacerdotes hanc velut opimam praedam nacti, Edinburgo eum ad Fanum Andreae transferunt. Ibi post alterum fere mensem coacta frequenti omnis generis sacerdotum multitudine, quae de doctrina ejus decerneret . . . de consensu omnium Cardinalis . . . petit a Prorege per literas, ut designet rei capitalis judicem qui in reum animadvertere juberet, qui jam a conventu sacerdotum haereseos damnatus esset.'—(G. Buchanan. Rer. Scotic. Hist. lib. xv. cap. 32.)

Lord Hailes appears to have so far misapprehended this passage as to conclude that the meeting at Edinburgh and the meeting at St. Andrews were one and the same Provincial Council.—(Hist. Mem. Prov. Counc. Scot., pp. 28, 29. edit. 1769.)

General Provincial Council at St. Andrews, Mar. 1546.

if they did not appear on the appointed day, with excommunication, suspension, and interdict.[1] The Council, summoned under such terrors, did not fail to assemble. It imposed a tax of two thousand five hundred pounds for the costs of deputies from Scotland to the Council of Trent, which had met not many weeks before and was still sitting.[2] The tax would appear to have been levied, but it does not appear that any Scottish delegate crossed the Alps. Such, indeed, was the perilous position of the Scottish church, that Cardinal Beaton, although thrice summoned by Pope Paul the Third, to share the deliberations of the Vatican,[3] had not ventured to quit Scotland.[4]

Either the further proceedings of the Provincial Council of St. Andrews have escaped record, or they were suspended for the trial and execution of George Wishart, who had been seized at Ormiston, not far from Edinburgh, by the Cardinal and the Regent a few weeks before.[5] Two months afterwards, Beaton was surprised and murdered in his Castle of St. Andrews.

During the following Lent, although the Primacy was still vacant, a

[1] Appendix to the Preface, XXI. XXII.

Tax imposed by the General Provincial Council of St. Andrews, for the expenses of Scottish delegates to the Council of Trent, Mar. 1546.

[2] The record of the apportionment of the tax is still preserved:

'Taxatio sequens super integra Scoticana Ecclesia, tam super prelaturis quam aliis minoribus beneficiis ad valorem annuum summe quadraginta librarum vel supra, ad rationem summe duarum millium et quingentarum librarum, pro expensis euntium versus Concilium Generale Tridenti jam inceptum.'—(Taxat. super Scotican. Eccles. sec. XVI. fol. 49. MS. Reg. House.) See below, p. 287.

The Council of Trent sat down on the 13th of December 1545. It met again on the 7th of January, the 4th of February, the 8th of April, the 17th of June 1546, on the 13th of January, and on the 3d of March 1547. Its meetings for business were not resumed until the 11th of October 1551. They were again suspended on the 25th of January 1552, and were not resumed until the 18th January 1562. They finally closed on the 4th of December 1563.

[3] In 1541, in 1542, in 1544.

[4] Theiner, Vet. Mon. Hib. et Scot. pp. 613, 614. Raynald. Annal. Eccles. ann. 1544. § XXXII. t. xiv. p. 85.

[5] 'Wpoun the xxviij. day of Merche, the yeir of God j^m^v^c^xlvi. yeiris, thair was ane Generall Counsale haldin in Sanctandrois be the spiritual estate, and thair George Vischart was brunt, and na vther thing done.'—(Diurn. of Occurr. p. 42.)

A.D. 1545-6. 'In the ende of this yeir in Lentrene, the Cardinall caused convene all the Bischoppes and Prelattis of the realm at Sanct Andros, quhair ane clark called Maister George Wischert, quha had remaned long in Germanie, and of new come in Scotland, in the same Conventione wes accused and convict of divers opinionis of heresye, quhilkis he had publicklie preached and privatlie teached in Dundie, Breachine and diverse partis of the realme; and thairfore was brint in Sanct Andros the tyme of the said Conventione, in the beginning of March 1545[-6]; quhilk was the principall cause of the deathe of the Cardinall, quhilk shortlie followed thaireftir.'—(Bp. Lesley, Hist. Scot. p. 191.)

General Provincial Council or Convention at Edinburgh, Mar. 1547.

Provincial Council, or rather it would seem a General Convention, met at Edinburgh, probably by appointment of the Synod of the previous year. It called upon the Regent and his council to enforce the laws against the followers of Luther, who now, it complained, preached their heresies openly, were to be found even in the Court, and must daily spread and multiply unless the arm of the civil power came to the speedy help of the spiritual authority in arresting their progress.[1] A canon, renewed in subsequent Synods,[2] provided that in every cathedral church there should be a licentiate or doctor of divinity who should preach the word of God to the people.[3]

Petition of the Prelates and clergy to the Regent and his Council, for the help of the secular arm to suppress heresy, Mar. 1547.

[1] 'Apud Edinburgh xviij° Marcij anno etc v, quadragesimo sexto. Presente Domino Gubernatore. Sederunt Comes de Huntlie cancellarius; Episcopi Dunkeldensis, Moraniensis, Candidecase, Brechinensis, Dunblanensis, Orchadensis; Comites Angus, Ergile, Erroll, Merschell, Cassilis, Montros; Abbates Cowper, Dunfermling, Crocesragwell; Domini Ruthven, Flemyng, Gray, Borthuik, Somervell, Lindesay de Byris, Hay de Yestir, Drummond; Domini Georgeus Douglas, Willelmus Hamiltoun, Johannes Campble de Lundy milites . . . The samin day my Lord Gouernour and Lordis of Secreit Counsale ordanis this supplicatioun and deliuerance gevin be his Grace and Lordis of Counsale forsaid tharupoun to be insert in the Bukis of Priue Counsale. Off the quhilk supplicationn and deliuerance the tennour followis:

'My Lord Gouernour and Lordis of the Greit Counsale, Vnto your Grace and Lordschipis humilie menis and schewis wa your oratouris the Bischoppis, Prelattis and Kirk men now present in this toune, for oure selfis and in name of the remanent of the Kirk men of this realme, how that it is nocht vnknawin to your Grace and Lordschipis that sindrie partes of this realme, quhilk hes bene evir Catholic sen the begynnyng of the faithe to thir dais, [is] now infectit with the pestilencious hereseis of Luthor his sect and followaris, and sa perseueris vnpunesit quhill diuers of thame ar becumin [oppin disputantis aganis the] Sacramentis and specialie aganis the blissit Sacrament of the Altar; vtheris of thame, abiurit and relaps, baneist of auld, now cummis pertlie without ony dredour nocht alanerlie in the far partis of the realme bot als to the court and presence of your Lordschipis, and sum tyme prechis oppinlie and instructis vthiris in the saidis dampnabile hereseis; quhilkis, and the samin be nocht remedit be your Grace and Lordschipis, be your help and assistence to the jurisdictioun spirituale, it will spred incres and rys dalie mair and mair; and ay the langer the mair difficule to remeid. Quhairfor we humilie beseik your Grace and nobile Lordschipis for your princelie honour and nobeliteis to gif your haistlie help and remeid in thir behaluis to the plesour of God, manteinance of the Cristin faithe, and your awin honour; with your ansuer.'

'Apud Edinburgh xix° Marcij anno etc. v^{c} xlvj^{to}. My Lord Gouernour and Lordis temporale ordanis and desiris the Kirkmen to gif to his Grace the names of the heretikis that ar relaps, or haldis opinionis aganis the Sacramentis of the Alter, or that techis heresyis: And his Grace and the Lordis temporale sall tak thame and caus the lawis of the realme to be execute [vpon] thame ay as he is requirit tharto, conforme to the lawis of Hallykirk; and ordanis this suplicatioun and deliuerance past tharupoune to be put in the Bukis of Counsale.'—(Reg. Sec. Conc.: Acta 1545-7, foll. 57-59. MS. Reg. House.)

[2] Pp. 100, 115, 129.

[3] 'Willelmus diuina miseratione Aberdonensis Episcopus vniuersali clero et populo per nostram vniuersitatem et diocesim Aberdonensem specialiter constitutis salutem . . . Conciliorum Generalium sanctorum patrum a quamplurimis annis ac impresentiarum Concilij Generalis Tridentini necnon nostri Prouincialis Concilij decreto et determinatione maiorum totius regni sancitum est, vt in qualibet ecclesia cathedrali constituatur vnus

Appointment by the Bishop of Aberdeen of a Licentiate in Divinity to read theology twice a week, and preach once a month in the cathedral, and to preach once a year in each

General Provincial Council or Convention at Linlithgow, Aug. 1549.

Cardinal Beaton's successor in the Primacy was the Regent's bastard brother, John Hamilton, bishop of Dunkeld. From feasting the gentry of Lothian and Clydesdale on his enthronement at St. Andrews in July 1549,[1] he passed in the following month to Linlithgow—the plague was raging in Edinburgh—to hold a General Convention or Provincial Council of the Scottish clergy. It enacted several statutes which took effect at the time, and were re-enacted by succeeding Councils.[2]

General Convention and Provincial Council at Edinburgh, 27. Nov. 1549.

Three months afterwards a General Convention and Provincial Council assembled in the Blackfriars' Church at Edinburgh, on the summons, and under the presidency, of the Archbishop of St. Andrews, Primate of all Scotland and Legate Natus. There were present six Bishops; two Vicars Generals of vacant sees; fourteen Abbots, Priors, or Commendators; one Subprior; seven Doctors of Divinity, two of whom, by reason of their age and infirmity, were allowed to

common church of the chapter, in terms of a canon of the Council or Convention of Edinburgh, Mar. 1547.

Theologie doctor aut in eadem licentiatus qui possit verbum Dei populo predicare. Nos vero . . . discretum virum Magistrum Joannem Watsoun in sacris literis licentiatum, tanquam idoneum et habilem prout nos experimento didicimus ad exequendum premissa in canonicum et confratrem . . . recepimus . . . ac si prebendam in dicta nostra ecclesia cum canonicatu contulissemus . . . cum voce actiua et passiua in capitulo . . . quousque . . . de prebenda antedicte ecclesie assignata Theologo prefato Magistro Joanni prouisum fuerit cum vacare contingit iuxta nominationem per nos factam in Concilio Cleri Scoticani tento apud Edinburght in Quadragesima immediate precedente cum aliis prelatis abbatibus et proceribus totius regni Scotie . . . Prouiso quod dictus Magister Joannes persimilem faciat residentiam in choro dicte nostre ecclesie cum aliis . . . concanonicis . . . necnon teneatur tempore dicte sue residentie ad publice legendum in sacris literis bis singulis septimanis in templo nostro et semel quolibet mense verbum Dei populo predicandum . . . necnon ad semel in anno quamlibet ecclesiarum communium dicti capituli visitandum in propria persona et parochianis earundem simili modo verbum Dei predicandum . . . Data die nono mensis Julii anno Domini millesimo quingentesimo quadragesimo septimo.'—(Miscell. Pap. of Reigns of Q. Mary and K. James VI. pp. 3-8. Maitl. Club: 1834. Reg. Episcop. Aberd. vol. ii. pp. 317-320.)

The decree of the Council of Trent referred to was passed on the 17th June 1546.—(Conc. Trident. Canon. et Decret. sess. v. cap. 1.)

[1] Mr. Stevenson's Illust. of Reign of Queen Mary, pp. 36, 37, 40. Maitl. Club: 1837.

[2] Pp. 86, 153.

We should perhaps assign the statutes which bear to be enacted by the Convention—'haec sancta Conventio decrevit;' 'praesens Conventio hortatur;' 'mandat praesens Conventio'—to the assembly at Linlithgow; as the statutes enacted at Edinburgh would seem to run in name of the Synod—'haec presens Synodus statuit'—'item hortatur haec Synodus'—'statoit haec Sancta Synodus.'

In that case probably as many as forty statutes—177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 212, 215, 217, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234—might be referred to the Convention at Linlithgow. Some of them, no doubt, had been considered in the previous Convention at Edinburgh in March 1547, in the Provincial Council at St. Andrews in March 1546—perhaps even in the Provincial Council at Edinburgh in March 1536.

General Convention and Provincial Council at Edinburgh, 27. Nov. 1549: Prelates and clergy present.

appear by their proxies; three Licentiates, one Bachelor, one Student of Theology; three Dominican, four Franciscan Friars; seventeen secular priests, of whom one was a Dean, two were Archdeacons, one was a Subdean, four were Canons of cathedral churches, eight were Provosts or Deans of collegiate churches, one was Rector of a parish church.[1] In all sixty persons are enumerated. Conspicuous among them stands the Commendator of the Priory of St. Andrews, a stripling of eighteen, little thinking then that, before many years are over, he will be the leader of the Reformation which the Council meets to oppose,—will one day govern Scotland as Regent. The few other men of any account are the excellent and accomplished Robert Reid, bishop of Orkney, commendator of Kinloss, the founder, as some have regarded him, of the University of Edinburgh; Quintin Kennedy, abbot of Corsraguel, the zealous champion of the old faith against Knox and Willock; John Wynram, subprior of St. Andrews, afterwards one of the Superintendents of the Reformed Church; John Mair, the preceptor of Knox and Buchanan, once famous as a Schoolman, now only remembered by his History of Scotland.

After Mass was sung in the church, the members repaired to the hall or refectory of the monastery, where having seated themselves in due order —the Scottish Provincial Council like the Scottish Parliament, knowing no distinction of houses, sat in one chamber—a sermon was preached by a licentiate in divinity. The statutes passed at Linlithgow were then

[1] Pp. 82-85.

Constituent members of General Provincial Councils in Scotland, in the sixteenth century.

[2] 'Quantum vero ad membra constituentia (si fas ita loqui) Conciliorum nostrorum Provincialium, sive ad personas quae ad Concilia nostra vocari solebant, sive ad consultandum, sive ad determinanda et definienda ea quae proponerentur, praeter Episcopos ipsos (quorum in omnibus primae partes erant) Abbates, majores Priores, Decanos, Praepositos, Archidiaconos, etc. qui erant quasi delegati nati sive ordinarii ad Concilia Provincialia, praeter hos, inquam, ad posteriora nostra Concilia, praesertim vero ad ultimum, quod anno Domini MDLIX. habitum est (quoniam jam de summa rerum, et vero de aris et focis deque ipsius fidei et Catholicae religionis in Scotia integritate et incolumitate agebatur) injunctum est Episcopis per Primatem, ut praeter deputatos sive delegatos ordinarios, ex singulis dioecesibus secum ad Concilium adducerent viros prudentia et doctrina insigniores tam ex Clero quam ex omnium Ordinum Regularibus, quatenus conjunctis studiis remedia magis opportuna et efficacia ad avertendam cladem Ecclesiae Scoticanae atque etiam Monarchiae imminentem proponerent et concordibus votis decernerent adhibenda.'—(T. Innes, De Synod. Vet. ap. Scot., Wilk. Conc. Mag. Brit. et Hib. t. i. p. xxxii.)

read over by the secretary and notary, and being unanimously approved and ratified, were enacted anew, along with others, to the number in all of sixty-eight.[1] General Convention and Provincial Council at Edinburgh, 27. Nov. 1549.

They were prefaced by a remarkable confession, that the root and cause of the troubles and heresies which afflicted the Church were the corruption, the profane lewdness, the gross ignorance of churchmen of almost all ranks.[2] The clergy, therefore, were enjoined to put away their concubines, under pain of deprivation of their benefices;[3] to dismiss from their houses the children born to them in concubinage; not to promote such children to benefices, nor to enrich them, the daughters with dowries, the sons with baronies, from the patrimony of the church.[4] Prelates were admonished not to keep in their households manifest drunkards, gamblers, whoremongers, brawlers, night-walkers, buffoons, blasphemers, profane swearers.[5] The clergy, in general, were exhorted to amend their lives and manners,[6] to dress modestly and gravely,[7] to keep their faces shaven and their heads tonsured,[8] to live soberly and frugally, so as to have more to spare for the poor;[9] to abstain from secular pursuits, especially trading.[10] Canons for reform of the lives and manners of the clergy;

Provision was made for preaching to the people;[11] for teaching grammar, divinity, and canon law in cathedrals and abbeys;[12] for visiting and reforming monasteries, nunneries, and hospitals;[13] for recalling fugitives and apostates, whether monks or nuns, to their cloisters;[14] for sending from every monastery one or more monks to a University;[15] for preventing unqualified persons from receiving orders, and from holding cure of souls;[16] for enforcing residence,[17] and for restraining pluralities;[18] for Canons for promoting learning, restoring discipline, etc.

1 Pp. 85-126.
2 Pp. 81, 82, 283, 290, 292.
3 Pp. 86-88, 284, 301, 302.
4 Pp. 89, 302, 303.
5 Pp. 91, 286.
6 Pp. 118, 294.
7 Pp. 89, 90, 91, 285, 286.
8 Pp. 90, 285.
9 Pp. 90, 91, 285.
10 Pp. 89, 285.
11 Pp. 95, 96, 97-100, 104, 115, 116, 118, 119, 288, 289, 296.
12 Pp. 95-97, 100-102, 104, 105, 287-290.
13 Pp. 91, 92, 113, 114, 294, 303.
14 Pp. 92, 93.
15 Pp. 102-104.
16 Pp. 106-108, 114, 290-292, 296, 297, 304, 305.
17 Pp. 94, 107, 108.
18 Pp. 108-110, 113, 293, 294.

General Convention and Provincial Council at Edinburgh, 27. Nov. 1549: preventing the evasion of spiritual censures by bribes or fines;[1] for silencing pardoners, or itinerant hawkers of indulgences and relics;[2] for compelling parish clerks to do their duty in person, or to find sufficient substitutes;[3] for registering the testaments and inventories of persons deceased, and for securing faithful administration of their estates, by bringing their executors to yearly account and reckoning;[4] for suspending unfit notaries, and for preserving the protocols of notaries deceased;[5] for reforming the abuses of the Consistorial courts.[6]

Search to be made for heresy, and for heretical books, especially poems and ballads; Strict inquest for heresy was ordered to be made by every Ordinary in his diocese, by every Abbot or Prior in his convent.[7] That the inquest might be the more effectual, the inquisitors were supplied with a schedule of the chief points of heresy.[8] These were speaking against the rites and sacraments of the church, especially the sacrifice of the mass, the sacraments of baptism, confirmation, extreme unction, penance; contempt of the censures of the church; denial of the reign of the souls of saints, with Christ in glory; denial of the immortality of the soul; denial of recompense for works of faith and charity; denial of purgatory; denial of prayer and intercession of the saints; denial of the lawfulness of images in Christian churches; denial of the authority of General Councils in controversies of faith; neglect of the fasts and festivals of the church. Heretical books, especially poems and ballads against the church or clergy, were to be diligently sought after, and burned.[9]

Adoption of certain decrees of Trent. Of the canons which were enacted for accomplishing all these ends, thirteen[10] were adopted from decrees of the Council of Trent, passed in June 1546 and March 1547.

It was provided that the next Provincial Council should sit, without any further summons, on the fourteenth of August in the following

[1] Pp. 93, 94, 286.
[2] Pp. 99, 266, 267, 288.
[3] Pp. 110, 292.
[4] Pp. 110-112, 293.
[5] Pp. 112, 113.
[6] Pp. 121-126, 295, 296.
[7] Pp. 117, 118, 294.
[8] Pp. 119, 120, 294, 295.
[9] Pp. 117, 120, 294, 295.
[10] Pp. 95-99, 108-110, 113; statutes 188, 189, 190, 191, 192, 193, 194, 206, 207, 208, 209, 210, 215.

year, in the monastery of the Blackfriars at Edinburgh, in the city of St. Androws, or in tho town of Linlithgow.[1] If any Synod met at the time thus appointed, no trace of it has been preserved.

General Provincial Council at Edinburgh, 26. Jan. 1552.

But eighteen months afterwards, a Provincial Council was assemhled hy the Primate at Edinhurgh, when the statutes of previous Councils and Conventions held during his Primacy having heon read and considered, were ratified and ordered to be ohserved along with sixteen other statutes now enacted for the first time.[2]

Canons of former Provincial Councils to be enforced;

A confession that the canons formerly made had not yet taken effect,[3] was followed hy provisions for the immediate enforcement of the statutes for preaching to the people,[4] for teaching theology and canon law in cathedrals and monasteries,[5] for examining curates and vicars,[6] for securing the faithful administration of the goods of persons deceased,[7] for visiting hospitals.[8] Other canons provided for the more effectual prohibition of clandestine marriages,[9] for the more careful trial of questions of divorco,[10] for giving greater publicity, solemnity, and force to sentences of excommunication,[11] for preventing the alienation of manses and glebe lands.[12]

Canons against neglect of divine service, irreverence in church, sports and traffic in churchyards.

One canon sets forth that, even in the most populous parishes, very few of the parishioners come to mass or to sermon ; that in time of service, jesting and irroverence go on within the church, sports and secular business in the porch and the churchyard. It therefore enacts that the name of every person wilfully absenting himself from his parish church, shall be taken down by the curate and reported to the Rural Dean, and that all traffic in church porches, in churchyards, or in their immediate neighbourhood, shall be forbidden on Sundays and other holidays, during divine worship.[13]

1 P. 127.
2 Pp. 128-139.
3 P. 128.
4 Pp. 129, 296.
5 P. 129.
6 Pp. 129, 130, 296, 297.
7 Pp. 130, 297.
8 Pp. 132, 298.
9 P. 135.
10 Pp. 130, 131, 297.
11 Pp. 132, 133, 298.
12 P. 134.
13 Pp. 131, 132, 297, 298.

General Provincial Council at Edinburgh, 26. Jan. 1552: Canon establishing Parish Registers of baptisms and marriages.

Parochial registers of weddings, christenings, and burials had lately been established in England.[1] The Scottish Provincial Council now ordered that in every parish in Scotland there should be a register carefully kept, in which the curate should enter every proclamation of banns of marriage, and the name of every infant baptized, with the names of its parents, of its godfathers and godmothers, and of two witnesses of its baptism.[2] The registration of deaths or burials, of which the canon says nothing, would seem to have been already sufficiently provided for by ordinances, one of them as early as the fourteenth century, for securing the due administration of the estates of all persons deceased.[3]

Institution of Parish Registers of marriages, baptisms, and burials, in England, A.D. 1538.

[1] By the twelfth article of the Injunctions to the Clergy issued in the year 1538 by Sir Thomas Cromwell, as the King's Vicegerent for Ecclesiastical Jurisdiction:

'That you and every parson, vicar, or curate within this diocese, shall for every church keep one book or register wherein ye shall write the day and year of every wedding, christening and burying, made within your parish for your time, and so every man succeeding you likewise; and also there insert every person's name that shall be so wedded, christened, or buried; and for the safe keeping of the same book, the parish shall be bound to provide, of their common charges, one sure coffer with two locks and keys, whereof the one to remain with you, and the other with the wardens of every such parish wherein the said book shall be laid up; which book ye shall every Sunday take forth, and in the presence of the said wardens, or one of them, write and record in the same, all the weddings, christenings, and buryings, made the whole week afore; and that done, to lay up the book in the said coffer, as afore; and for every time that the same shall be omitted, the party that shall be in the fault thereof shall forfeit to the said church 3s. 4d., to be employed on the reparation of the same church.'—(Bp. Burnet, Hist. of Reform. vol. iv. pp. 344, 345. edit. 1865.) Cf. State Pap. of King Henry VIII. vol. i. pp. 612, 613.

[2] Pp. 134, 135, 298, 299.

Registers of deaths or burials in Scotland.

[3] See below, pp. 70, 71, the Synodal Statute of the diocese of St. Andrews in the fourteenth century: 'Nomina omnium decedentium in singulis parochiis Episcopo singulis annis in Consistorio suo reportanda.' See also the sixth of the Synodal Statutes of the same diocese, A.D. 1514-1521, in the Appendix to the Preface, XXIII.

At the Reformation, the Bishops' Consistories were replaced by the courts of Commissaries appointed by the Crown; and one of the instructions given to the new judges at their institution was 'That everie Commissar within his jurisdictioun cause the ministeris or reidaris within everie parochin, give in to him the namis of the parochineris deceissand thairin, ilk thre monethis anis, at the fardest, videlicet, upon the first dayis of Januar, April, Julij, and October.'—(Sir J. Balfour's Practicks, p. 660: cf. p. 663.)

In endeavouring to fulfil this instruction, the Commissaries asked the aid of the Reformed Church, and, on the 27th June 1565, received from its General Assembly the following answer: 'Tuiching the requeist of the Commissars of Edinburgh, that everie minister or reader sould have a register of the names of the deceased of the place where they dwell, the day of the moneth and yeere, and deliver the copie thereof to the procutor fiscall, that pupills and creditors be not defrauded: It was answered, they could not lay suche a charge upon their brethren, in respect none or few of the ministrie had manses and gleebes to make residence in; but how soone they obtained their manses, they sould exhort them, as they salbe required, to doe conforme to the said request.'—(Booke of Univ. Kirk of Scot. vol. i. p. 63.)

The matter was again brought before the General Assembly in August 1574, by the Lords of Session, who had received a grant of the quots of testaments, and were interested therefore in the establishment of a register which would be a check

The last canons passed by the Council boast that by the help of the State, by the zeal and vigilance of the Church, the heresies which had recently infested divers parts of the realm, seemed now at length to be

General Provincial Council at Edinburgh, 26. Jan. 1552.

against withholding testaments from confirmation. They requested 'That the readers of ilk kirk note up the names of the persone departed within their parishes yearly, and deliver the samine to the Superintendents to be exhibite be them at ilk Assembly.' The Assembly accordingly enacted 'That the readers at every kirk, in the synodall assembly present the catalogue of the names of the persons deceased within their paroich to their Superintendents, to the effect that they may report the same to the Generall Assembly, to be delivered to such as shall be appointed be the saids Lords for receiving of the same.'—(Ibid. p. 310.)

In October 1576, the King's Advocate, in name of the Lords of Session, asked the Assembly whether its enactment had been observed? 'The Assembly and Commissioners present understanding be the greatest part of the brethren, that the said act was not put in execution for lack of knowing of the same; after reading thereof ordaines the said act and ordinance to be keeped and observed against the next Assemblie, and the names of the persone deceised since the date hereof, to be reported to the Generall Assembly, conforme to the said ordinance: And to the effect that the same may be universally keeped and observed in times coming, it is thoght meit that in every parochin ther be persons appointed to break the earth and to make sepulchres, that sall notifie the names of the persons deceisit to the reidars, that they may present the same to the Commissioners to report the same to the Generall Assemblie.'—(Ibid. pp. 372, 373.)

Inquiry was made, reports were received, as to the execution of these enactments in April 1577, when the Assembly 'ordained the whole Commissioners of countries to send in the names of the persons defunct within their bounds to the procurator fiscal at Edinburgh, if they be ready betwixt and the next Assemblie, otherwise *simpliciter* to produce them then to be delivered to him, and to keep the act and ordinance made theranent before.' —(Ibid. p. 389.)

Canon for Parish Registers of baptisms, marriages, and burials, A.D. 1616.

Nothing more would seem to have been attempted for forty years. At length, in August 1616, in pursuance of an instruction from the King, the General Assembly which met at Aberdeen, under Archbishop Spottiswoode, enacted 'that every minister have a perfyte and formall Register, quherin he sall have registrat the particular of the baptisme of every infant within his paroch, and quho wer witnesses therto; the tyme of the mariages of all persons within the same; and the speciall tyme of the buriall of every ane deceisand within thair parochin; and that they have the same to be in readines to be presentit be every ane at thair nixt synod assemblie, vnder the paine of suspensioun of the minister not fulfilling the same, from his ministrie: And it is deeyrit, that . . . His Majestie wald ordaine the extract foorth of the saids Registers to make faith in all tyme comeing: and quho so observes this act, the Archbischops and Bischops sall let them have thair quota of thair testaments gratis.'—(Ibid. pp. 1124, 1129.)

Act of Privy Council for Parish Registers of deaths, marriages, and baptisms, A.D. 1616.

In December 1616—on the same memorable day that the State first interposed its sanction to the erection of Parish Schools—it interposed its authority also to the establishment of Parish Registers, by an Act of Privy Council, which is printed in the Tenth Report of the Deputy-Clerk Register of Scotland, app. no. iv. pp. 31, 32. If this 'Act anent ane Register of deceast, maryed and baptised persons,' had 'been effectually carried into execution,' said the late Mr. Thomas Thomson, 'it would have given to the people of this country, a record truly invaluable.'—(Tenth Rep. of Dep. Cl. Reg. p. 15). Cf. Fourth Rep. pp. 46, 48. app. no. vii. pp. 73-76.

Canon for Parish Registers of christenings, weddings, and burials, A.D. 1636.

Twenty years afterwards, there was yet another enactment for the same end. The thirteenth chapter of the Scottish Book of Canons of 1636, —borrowing from the seventieth chapter of the Canons of the Church of England of 1603, from the forty-sixth chapter of the Canons of the Church of Ireland of 1634—ordered that 'in everie paroch church within the kingdome, a parchment booke shall bee provided, at the charge of the parochin; wherein shall bee written the daye and yeare of everie christning, wedding, and buriall: which shall bee kept and layde vp in a sure coffer, to bee provided also by the parochin, and not taken foorth by the presbyter, or enie other, except when the christeninges, weddinges and burialls are to be recorded. And to the effect

General Provincial Council at Edinburgh, 26. Jan. 1552: Canons for the publication and use of Archbishop Hamilton's Catechism.

curbed and all but subdued. Yet it is confessed that the inferior clergy and the prelates for the most part are not in the meanwhile sufficiently learned to instruct the people rightly in the Catholic faith, in things necessary to salvation, or to reclaim them from the path of error. Provision is therefore made for the publication and use of a popular exposition of the doctrines of the Church approved by the Synod after diligent revision by the wisest prelates and most erudite divines of the realm. This work, since commonly known as Archbishop Hamilton's Catechism, was to be read to the people in church, before high mass, when there was no sermon; as much as would occupy half an hour, being read from the pulpit[1] every Sunday and holiday, with a loud voice, clearly, distinctly, impressively, solemnly by the rector, vicar, or curate, in his surplice and stole. The clergy were enjoined to exercise themselves daily in reading it, lest their stammering or breaking down might move the jeers of the people; and heavy penalties, fine and imprisonment, were imposed on all who should fail to observe any part of the canons regarding it. The Catechism was issued for the instruction of the laity not less than of

those bee not neglected, the presbyter shall everie Lord's Day, after prayers or sermon, take foorth the sayde booke, and wryte therein the names of all persons christned, with the names and syrnames of their parentes; the names also of all persons married and buried in the parioch in the weeke preceding, with the day and yeare of everie such christning, wedding, and buriall: And everie yeare once, within one moneth after the first day of Januarie, transmit vnto the Bishop of the diocesse a true copie of the names of all persons christned, married and buried the yeare before within his parochin, with the dayes and moneths of every such christening, marriage, and burial, subscribed by his hand, to the end the same may bee preserved in the Bishop's Register: Wherein, if hee shall bee found negligent, hee shall bee called and censured for the contempt of this necessarie constitution.' — (Canons and Constitutions Ecclesiasticall for the governament of the Church of Scotland, pp. 29, 30. Aberd. 1636.)

If this Canon was less perfect than the Act of Privy Council of 1616, it was at least better than the 'Act for keeping of Registers of Births, Baptisms, Mariadges, and Burials,' to which, in 1703, the last Parliament of Scotland refused its consent —better than any measure proposed before the late Lord Rutherfurd's bill of 1847. This too failed to gain the sanction of Parliament. But at length, in 1854, Lord Elcho succeeded in establishing an efficient system of registration by the Act 17 & 18 Vict. ch. 80.—(Proc. Soc. Ant. Scot. vol. ii. p. 315. Mr. Turnbull's Scot. Paroch. Reg. 1849. Mr. Seton's Sketch of Paroch. Rec. in Scot. 1854. Seventeenth Rep. Dep. Clerk Reg. of Scot. pp. 36-38.)

Parish Registers of births, marriages, and deaths: unsuccessful attempts to establish them, A.D. 1703 and A.D. 1847: Lord Elcho's Act, A.D. 1854.

[1] 'In suggesto.' The word, in the sense in which it is used here, seems to have escaped Ducange and Carpentier. There can be no doubt of its meaning. The next page gives 'pulpitum' as its equivalent. So, also, Robert Estienne renders 'suggestus vel suggestum, pulpitum,' by 'vng lieu esleué comme chaires ou poulpitres, auquel on fait les harangues au peuple.'—(Diction. Francoislatin, v. 'Poulpitre,' p. 475. edit. 1549.) Cf. Lesl. De Reb. Gest. Scot. p. 559. edit. 1578; Bingham's Works, vol. iii. p. 67. note 90. edit. Oxf. 1855.

the clergy, but it was not to be put into lay hands unless by permission of the Ordinary. Nor was any one hearing it read in church to raise controversy there regarding it.[1]

Provincial Council at Edinburgh, A.D. 1555.

A Provincial Council appears to have met at Edinburgh in the year 1555.[2] It would seem to have done nothing more than ratify the acts of the Provincial Councils of 1549 and 1552.

General Provincial Council at Edinburgh, 1. Mar.–10. Apr. 1559.

In January 1559, at the instance of the Queen Regent,[3] the Archbishop of St. Andrews, in virtue of his powers as Metropolitan and Primate, and with consent of the Archbishop of Glasgow,[4] summoned a General Provincial Council to assemble in the Blackfriars' monastery at

[1] Pp. 135-139, 299.

[2] P. 153.

Supposed Provincial Councils at Linlithgow, A.D. 1552; and at Edinburgh, Jul. and Nov. 1558.

Lord Hailes and others, trusting to Leslie and Buchanan, have supposed that Provincial Councils met at Linlithgow in 1552, at Edinburgh in July 1558, at Edinburgh in November 1558.

A.D. 1552. 'Eodem plane tempore cum haeretici Catholicam religionem commonissent, quicunque ex clero prudentissimi doctissimi et integerrimi fuerunt, Concilio Prouinciali Lythquoi celebrato, haeresim iustissima anathematis nota configunt; omniaque quae Patrum auctoritate in Concilio Tridentino sub Pauli III. auspiciis sancita erant, iusta, rata, ac tanquam Dei imperio fixa, plenis comitiis declarant. Multaque alia decreta, quae ad haeresis vires elideudas, Catholicae fidei auctoritatem firmandam, ac cleri mores perpurgandos plurimum faciebant, constantissime sciscunt.' —(Lesl. De Reb. Gest. Scot. p. 516.)

A.D. 1558. 'Certane preachers cum within the realme, principallie Paul Meffen, Johne Willox, Johne Douglas and certane utheris, quha in divers partis of the realme preached privatlie, and maid sic tumulte and uproir amangis the peple, that thay culd not be conteaned within the boundis of lauchfull obedience. Bot sindre of thame spak verrey sklanderouslie againis the sacramentis, the authoritie of the Kirk, and utheris articles of the Catholique religeone; for the quhilk caus thair was ane Conventione or Provinciall Counsall of the hoill prelattis and clargie of the realme assembled at Edinburgh, aboute the ende of the monethe of Julij, quhair sindre was accused for heresie, but nane was executed or punished in thair bodeis, bot ordainit to abjure thair arrouris at the marcatt croce of Edinburgh, aponn Sainct Gelis day, the first of September. Bot thair was so gret a tumult rased that day on the Hie Stret of Edinburgh, that thay quha was appointed to do opin pennance war suddautlie careid away, and the hoill processione of the clargie dispersed; the image of Sanct Geill being borne in processione, was taikin perforce fra the beraris thairof, brokin, and destroyed.'—(Bp. Lesley, Hist. of Scot. p. 266. Lesl. De Reb. Gest. Scot. pp. 537, 538.)

As regards the first of these supposed Provincial Councils, the Bishop of Ross appears simply to have mistaken the date of the Convention or Provincial Council of Linlithgow, believing it to have been in the year 1552, while we know that it was in the year 1549. So imperfect was his information, that of the more important Provincial Council held at Edinburgh in the latter year, he seems to have known nothing.

That there was, as he says, a meeting of churchmen at Edinburgh in the summer of 1558 is sufficiently certain. But I can find no evidence that it was a Convention or Provincial Council.

Lord Hailes, followed by Mr. Grub, supposes that it was a Provincial Council which pronounced sentence of banishment against Paul Methven in November 1558. But of all the many trials for heresy in Scotland before the Reformation, can it be shown that any one was by a Provincial Council? Is there any reason to suppose that such a body ever assumed judicial duties?

Thomas Innes rejects all three of these supposed Provincial Councils.—(Crit. Ess. vol. ii. p. 596.)

[3] Pp. 142, 152, 300.

[4] P. 151.

General Provincial Council at Edinburgh, A.D. 1559:

Edinhurgh, on the first of March following.[1] It met on the day appointed;[2] hut comparatively few members seem to have heen present, and at the end of three weeks, citations were still issued for the attendance of the clergy on the sixth of April.[3] As the Synod hroke up on the tenth of that month,[4] it would appear that the great body of its memhers were expected only to present themselves towards the close of the proceedings, to review and ratify the acts already prepared hy a committee or select number of the Council.[5]

Articles of Reformation presented by lay nobles and barons.

It was called mainly for the consideration of the remarkahle Articles of Reformation, which had been suhmitted to the Queen Regent by certain laymen, nohles, and harons, not disaffected to the Church, hut solicitous for the correction of its ahuses; and were remitted by the Queen Regent, through the Chancellor of the realm, to the Provincial Council.[6]

Recalling the Parliamentary ordinance hy which King James the Fifth admonished the prelates and clergy to amend their ungodly and dissolute lives—the acts which Provincial Councils and Diocesan Synods had passed for the same end, and their failuro to effect any good—the first Article of Reformation urged that churchmen should at once address themselves to this duty, and at least abstain from manifest sins and notorious offencces.[7]

The second and four following Articles asked that there should he sermon in every parish church, on every Sunday and other holiday, or at least on Christmas day, Easter day, Whitsunday, and every third or fourth Sunday; that no ono should he admitted to preach in public without due examination of his doctrine, life, and learning; that in future no vicar or curate should he appointed, unless he were sufficiently qualified to administer the sacraments and to read the Catechism (no douht that issued hy the Provincial Council of 1552) plainly and distinctly to his

[1] Pp. 140-143.
[2] P. 151.
[3] Pp. 143-146.
[4] P. 151.
[5] This was apparently the custom of the Scottish Provincial Council, as we know it to have been the custom of the Scottish Parliament. See above, pp. cxxxv. cxxxvi.
[6] Pp. 146-151, 299, 301.
[7] Pp. 146, 147, 300.

General Provincial Council at Edinburgh, A.D. 1559: Articles of Reformation presented by lay nobles and barons.

flock; that expositions of the sacraments of the body and blood of Christ, of baptism, and of marriage, should be published for the instruction of the people; that the common prayers and litanies should be said in the vulgar tongue in every parish church upon Sundays and other holidays, after mass; that evening prayers should be said also in the vulgar tongue, in the afternoon; no change, it would appear, being proposed in the language of the mass itself.[1]

The seventh and eighth Articles required that mortuaries, church dues, and Easter offerings should be abolished, or at least should no longer be exacted by compulsion; and that the forms of procedure in the Consistorial courts should be shortened, their exorbitant costs diminished.[2]

The concluding Articles, it would seem, were intended to incite the Queen Regent to more resolute measures in defence of the Church.[3] They urged that no one should be allowed to dishonour the sacrament of the body and blood of Christ, or the service of the mass, or to speak irreverently of either; that no one should suffer the sacraments of marriage, of baptism, of the body and blood of Christ, to be administered, except in proper form by persons duly admitted and ordained to administer them; that no one should be permitted to burn, spoil, destroy, or injure churches, chapels, or religious houses, or their ornaments, or to make innovation in the rites and ceremonies of the church until further order were taken by the magistrate and ministers of the church duly empowered.[4]

The thirty-four statutes passed by the Provincial Council were, in great measure, answers, more or less satisfactory, to these Articles of

[1] Pp. 147, 148.

[2] Pp. 148-150.

[3] It was, perhaps, after the presentation of these Articles of Reformation, that the Queen Regent, on the 9th February 1559, despatched a proclamation from Edinburgh to be published at the market crosses of St. Andrews, Cupar, Dundee, Montrose, Aberdeen, Linlithgow, Glasgow, Irvine, and Ayr, 'chargeing all and sindrie our Souerane Ladeis liegis, that nane of thame tak vpoun hand to commit attempt or do ony iniure or violence, distrube the seruice vsit in the kirkis, strike manneis or bost preistis, or to eit flesche in Lenterone vnder the pane of deid.'—(Compot. Thesaur. Reg. Scot. 1554-8. MS. Reg. House.)

[4] Pp. 150, 151.

General Provincial Council at Edinburgh, A.D. 1559:

Reformation. Only one point of importance was altogether evaded—the request that the common prayers should be said in the language of the people. It was not for Edinburgh to speak where Trent had as yet been dumb.[1] The Scottish prelates are said to have remarked that it was beyond their power to change the order of public prayer, so long observed by the Catholic Church, but that every man, in his private devotions, might use what language he pleased.[2]

Canons for reform of the lives and manners of the clergy.

The canons which the Council enacted for reforming the lives and manners of the clergy were sufficiently stringent. Inquisitors were appointed to see to the due observance of the statutes of former Councils against ecclesiastics living in concubinage.[3] They were forbidden, under new and heavier penalties, to keep in their families the children born to them by concubines.[4] The appointment of a prelate's son to a benefice in his father's church, was declared null and invalid.[5] Churchmen were prohibited from giving their daughters, with dowries from the patrimony of the church, in marriage to barons or landed gentlemen of more than a hundred pounds of yearly rent.[6] Nor were they to give their sons baronies or lands of more than that amount.[7] The clergy were forbidden to keep company with persons suspected of heresy.[7] They were forbidden to trade, or to follow any secular calling.[8] They were commanded to observe the statutes of former Councils as to dress and tonsure, under pain of forfeiting a fourth part of their livings.[9] They were entreated and exhorted, in the bowels of Jesus Christ, to be more frequent in the public celebration of the mass; and the Ordinary was required to see that the clergy under him said the canonical offices daily, and came to mass at least on Sundays and other holidays.[10] Monasteries and nunne-

[1] It was not until the 17th September 1562, that the Council of Trent issued its not unhesitating decree on the language of the Mass: 'Etsi Missa magnam contineat populi fidelis eruditionem, non tamen expedire visum est Patribus, ut vulgari passim lingua celebraretur.'—(Conc. Trident. Can. et Decret. sess. xxii. cap. 8.)

[2] P. 300.

[3] Pp. 153, 154, 301, 302.

[4] Pp. 154, 155.

[5] Pp. 155, 302.

[6] Pp. 155, 156, 302, 303.

[7] P. 156.

[8] Pp. 156, 157.

[9] P. 157.

[10] P. 157.

ries were to be visited and reformed;[1] and provision was made for enforcing the canon which enjoined that every monastery should send one or more monks to a University.[2] Holders of pluralities were to produce their dispensations, holders of benefices were to take holy orders, within four months.[3] For the future no one was to be admitted to a living who had not been examined and found fit and capable by the Ordinary; and the Queen Regent and the Pope were adjured not to present any one to a prelacy or benefice for which he was not qualified by age, by manners, and by learning.[4] Every curate of a parish church was to have a manse and a garden, with twenty merks a year in the dioceses of Aberdeen, Murray, Ross, Caithness, and Orkney, twenty-four merks a year in the other dioceses of the church.[5] Vicars pensioners were to make personal residence in their cures under pain of deprivation.[6] Ruined or decaying churches were to be rebuilt or repaired, the chancel by the rector, the nave by the parishioners; and the Ordinary was to make diligent inquest for breakers of images, and violators or burners of churches.[7]

General Provincial Council at Edinburgh, A.D. 1559.

The statutes of former Councils for preaching to the people were ratified and extended.[8] There was to be sermon in every parish church not only four times in every year as had already been enjoined, but as much oftener as the Ordinary should think fit.[9] Rectors who could not preach were to find substitutes at their own charge: if the rector was young he was to go to the schools to learn; if old, that is, if he was more than fifty, he was to attend the sermons of his substitute.[10] The preachers were enjoined to be sedulous in exercising themselves and in instructing the people as to the traditions of the church, the worship and invocation of the saints, the right use of images, the existence of purgatory, the true presence of Christ in the sacrament of the eucharist, the sufficiency of lay communion under one kind, the profit of the sacri-

Canons for preaching to the people.

[1] Pp. 158, 303.
[2] P. 165.
[3] Pp. 159.
[4] P. 166.
[5] Pp. 159, 160.
[6] P. 160.
[7] Pp. 158, 159, 303, 304.
[8] P. 161.
[9] Pp. 161, 162.
[10] Pp. 161, 162.

General Provincial Council at Edinburgh, A.D. 1559

fice of the mass both to tbo living and to the dead, the necessity of holy orders to give the power of blessing, consecrating, or administering the eucbarist.[1]

Canons for publishing popular expositions of the sacraments: 'The Twopenny Faith;'

Brief declarations of tbe true effect, force, and use of tbe sacraments of baptism, tho holy eucharist, extreme unction, marriage, were to be published by authority of the Council; and the declaration applicablo to each sacrament was to be read distinctly by tbe priest in public before its administration.[2] Like declarations were to be used by bishops in administering the sacraments of confirmation and ordination, by confessors in administering the sacrament of penance.[2] The doclaration of tho sacrifico of the mass, wbicb was to be read at its celebration by all vicars and curates on Sundays and great festivals, has been preserved.[3] It seems to bave been sold, as well to tbe laity as to the clergy, and from its prico was derided by tho Reformers as 'The Twopenny Faith.'[4] There is no reason to supposo that any of tbe declarations as to the other sacraments evor saw tho light.

Canons as to mortuaries, tithes, church lands, Consistorial courts, etc.

Mortuary dues wore no longer to be taken from the poor; they woro to be exacted from tbe class immediately above the poor, only in a modified sbape.[5] The small tithes and oblations were to be collected in the beginning of tbo year, beforo Lent, so as to avert the scandal of seeming to sell the sacrament, whicb was caused by tbeir collection at Easter.[6] The great tithes were to be collected by tbe clergy for tbemselves, or were to be leased to those wbo occupied and tilled the ground.[7] Church lands were not to be feued cxcopt to their old nativo tenants, possessors, and labourers.[8] The forms of process in the Consistorial courts were to be abbreviated;[9] tbe manner of appointing executors to porsons dying intes-

[1] Pp. 163-165.

[2] P. 165.

[3] Pp. 165, 177-179.

[4] P. 310.

Cf. G. Buchanan. Rer. Scotic. Hist. lib. xvi. cap. 23: 'Ne nihil in eo conventu actum putaretur, quasdam protritas Papanorum leges typis curant excudendas, omninmque templorum valvis affigendas, quas, quia quadrante veniebant in publicum, vulgus quadrantarias et interim triobolarem fidem, vocabant.'

[5] Pp. 167, 168, 305, 306.

[6] P. 174.

[7] Pp. 170, 171.

[8] Pp. 168-170, 306.

[9] P. 171.

General Provincial Council at Edinburgh, A.D. 1559.

tate was to be amended ;[1] the rule of the secular law, holding twenty-one years to be the age of majority, was to receive effect in the ecclesiastical courts.[2]

Canons as to baptism, etc.

It was provided that children baptized after the new fashion used by some of the Reformers—that is, it would seem, without exorcism ; without the sign of the cross ; without renunciation of the devil and his works, the pomp, vanities, and glory of the world ; without anointing with oil and chrism ; without thrice dipping in the water ; without clothing the child in the white linen vesture, commonly called 'the cude' in Scotland, 'the chrism' in England[3]—it was ordered that infants christened without these rites should be christened according to the forms of the Church, the priest saying, 'If thou art baptized, I do not baptize thee ; but if thou art not baptized, I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost. Amen.' For the future, except in case of necessity, baptism otherwise than by a priest according to the customary usages, was forbidden, under pain of excommunication of the parents, of the godfathers and godmothers, and of the minister.[4] In like manner, the administration of the sacraments of the eucharist and of marriage, unless by a priest after the usual and approved rites of the Church, was forbidden under pain of excommunication as well of the minister as of the receiver.[5]

[1] P. 167.

[2] Pp. 172, 307.

[3] P. 308, 309.

These usages were retained, although not without some change and modification, in the first Prayer Book of King Edward VI. issued in March 1549-50. But, with the exception of the sign of the cross, and renunciation, they had no place in the second Prayer Book of the same King issued in 1552.

[4] Pp. 174, 175, 307, 309.

[5] Pp. 175, 309, 310.

Lay administration of the Lord's Supper among the Reformers.

The lay administration of the sacrament of the Lord's Supper, in the Reformed church, is denounced in the First Book of Discipline (A.D. 1560), in a passage which bespeaks itself from the pen of Knox : 'For whair (not lang ago) men stude in such admiratioun of that idoll in the Messe, that none durst presume to have said the Messe, but the foirsworne schavin sorte, the Beastis marked men ; some dar now be so bald as without all convocatioun to minister (as thai suppoise) the treu sacramentis in open assemblies ; and some idiottis (yit more wickedlie and more impudentlie) dar counterfait in thair houses that which the treu ministeris do in the open congregatioun ; thei presume (we say) to do it in houses, without reverence, without word preached, and without minister, other then of companioun to companioun . . . We dare not prescribe . . . what penalties shalbe required of suche : But this we fear not to affirme that the ane and the other deserve death.' —(Knox, Hist. of Reformat. vol. ii. pp. 253, 254.) Cf. Books of Discip. pp. 80, 81. edit. 1836 ; Miscell. of Maitl. Club, vol. iii. pp. 235, 240, 241.

Canons of the Provincial Council of 1559, said to have accelerated the Reformation.

Whatever might have been the effect of these reforming canons[1] at an earlier stage, they were now too late, if indeed they did not contribute to the very issue which they were intended to avert. It is affirmed by the Bishop of Ross that the rigorous statutes of this Synod, the restraints and obligations which they imposed, were the chief cause why so many young abbots, priors, deans, and beneficed clergy, dreading or disliking the new discipline of the old church, passed over to the Reformed camp.[2]

Knox's 'partial and erroneous account' of the Canons of 1559.

[1] 'The account of those canons,' says Lord Hailes, 'as given in Knox's History, is exceedingly partial and erroneous. This is a strong charge'—his Lordship proceeds—'and I will make it good. . . . I am willing to admit that Knox was zealous in a good cause; but no zeal can justify a man for misrepresenting an adversary. My freedom may offend; but if we are to be governed by names and authorities of man, why did we leave the church of Rome, where there are as good names and authorities of man?'—(Hist. Mem. Scot. Prov. Counc. p. 31. edit. 1769.)

I subjoin the passage in Knox to which Lord Hailes refers, so that the reader may compare it with the canons themselves as printed in the text, pp. 153-179. Lord Hailes, as Mr. Grub has pointed out, seems to confuse the canons of 1559 with the canons of 1549:

'The Bischoppis continewed in thare Provinciall Counsall evin unto that day that Johne Knox arryved in Scotland [2. May 1559]. And that thei mycht geve some schaw to the people that thei mynded reformatioun, thei sparsed abrod a rumor thairof, and sett furth somewhat in print, which of the people was called *The Twapenny Fayth.* Amonges thare actes, thare was much ado for cappes, schavin crounes, tippettis, long gounes, and such other trifilles: Item, that nane should enjoy office or benefice ecclesiasticall, except a preast: Item, that na kirkman should nuriss his awin barnes in his awin cumpanye, but that everie one should hold the childrein of otheris: That none should putt his awin sone in his awin benefice: That yf any war found in open adultery, for the first falt he should lose the thrid of his benefice, for the second crime the half, and for the thrid, the hole benefice. But hearfra appelled the Bischope of Murray and otheris prelattis, saying that thei wold abyd at the Cannoun law. And so mycht thei weall yneuch do, so long as thei remaned interpretouris, dispensatouris, maikaris and disannullaris of that law.'—(Knox, Hist. Reform. Scot. vol. i. pp. 291, 292.)

Poems by Sir David Lindsay, said to have been ordered to be burned by the Provincial Council of 1559.

Compare Lindsay of Pitscottie (p. 369. edit. 1749): 'The clergy, perceiving the whole gentry and commons bent to hear God's word preached, were sore afraid, and held an assembly in the Black Friers of Edinburgh, to consult how to suppress the Protestants. They made diverse constitutions; as, first, that no man should have benefice of the kirk but priests; secondly, that no kirkman should commit whoredom, or, if he did, for the first fault he should pay great sums of money, for the second, he should lose his benefice. To this act opposed the Bishop of Murray, a great fornicator and adulterer, alleging that it was as lawful to him to keep his whore as to the Bishop of St. Andrews. Thirdly, they made an act that Sir David Lindsay's book should be abolished and burnt.'

I need scarcely add that no canon for burning any writings of the Lion King was passed by the Provincial Council of 1559. The Provincial Council of 1549 ordered poems or ballads against the clergy—'libros rithmorum seu cantilenarum vulgarium, scandalosa ecclesiasticorum hominum vel constitutionum vituperia et probra in se continentes'—to be searched for and burned. The framers of the canon, no doubt, had Lindsay's satires in their view; but they did not name him.

[2] 'Thay maid mony sharp statutes, and commandit all the bishoppis, abbottis, prioris, deanes, archedeanes, and all the rest thair presentlie assembled, and otheris throche all the partis of the realme, to mak thame selffis able, and use thair awin offices according to thair fondationis and callingis, within the space of sax monethes, onder the pana of deprivation; quhilk was the princepall caus that a gret nomber of younge abbottis, priors, deanis, and benefest men assisted to the

The last act of the Provincial Council of 1559 was to appoint another Provincial Council to meet in the Black Friars' monastery at Edinburgh on Septuagesima Sunday next, to make inquiry as to the due execution of the canons, and take counsel as to any further questions of ecclesiastical discipline which might arise in the meanwhile.[1] The Synod thus summoned never assembled. Before the day fixed for its meeting, the Reformation had virtually triumphed;[2] within little more than six months afterwards, the ancient church was overthrown,[3] the cele-

Provincial Council appointed to sit at Edinburgh on 11. Feb. 1560: it never met.

The Reformation, 24. Aug. 1560.

interprice and practise devysed for the ourthrow of the Catholicke religeon, and tumult aganis the Quene and Frenche men, fearing tham selfis to be put at, according to the lawis and statutes.'—(Bp. Lesley, Hist. of Scot. p. 271.)

The passage in the Latin version shows some not uninstructive variations: 'De reliquis duobus articulis, ne plus sibi quam veritati indulsisse viderentur, in eam sententiam itum est, ut omnia ad antiquorum exemplar, ac Concilii Tridentini normam conformarentur, vt episcopi, abbates, priores, decani, archidiaconi, pastores, ac cuiuscunque ordinis religiosi intra sex menses, uel munus quisque suum praesentes obirent, uel beneficiis ecclesiae quamprimum cederent. Nonnulli religiosi et alii qui solutius per totam vitam degentes, tam arcta ecclesiae disciplina nolebant astringi, aut qui omnis plane eruditionis expertes prouinciam suam non poterant ullo modo tueri, bello Ecclesiae Romanae quasi indicto, ad haereticos aperte deficiunt, ac infestissimis animis Ecclesiae rem euertendam curant. At praecipuam operam hic nauant irreligiosi quidam monachi, non quidem ut conscientiae suae satisfacerent, sed ut libidinem explcturi, scorta, vxorum titulo, impune deinceps fouerent.'—(Lesl. De Rer. Gest. Scot. pp. 546, 547.)

Patrick Hepburn, bishop of Murray, said to have joined the Reformers: his profligacy.

If the 'Historie of the Estate of Scotland from the year 1559 to the year 1566' is to be trusted—and whatever be its authority it is at least written by a zealous Reformer—among those who forsook the ancient faith a few months after the Provincial Council of 1559, was the worst of all the Scottish prelates, the shameless profligate whose example is said to have corrupted his kinsman, the infamous Earl Bothwell: 'At this tyme ther were many that joyned to the Congregation, amongst whom wes the Bishopp of Murray, notwithstanding his hous at Scone wes sackit and burned, albeit the Lords were nothing content therwith at this tyme.'—(Miscell. of Wodr. Soc. vol. i. pp. 60, 61.)

We have the testimony of Knox that in June 1559, the Bishop wrote to the Lords of the Congregation, 'that he wold cum, and wold do as thay thoght expedient, that he wold assist thame with his force, and wald vote with thame against the rest of the clargie in Parliament.'—(Hist. of Reform. vol. i. p. 360.)

The Reformer relates that the Bishop, when Prior of St. Andrews, boasted at his own supper table, that he had had more mistresses than any one of the company: 'I am the yongest man, and yitt have I haid the round desone, and sevin of thame ar menis wyffis.'—(Hist. of Reform. vol. i. p. 41.)

When Prior of St. Andrews, he had three sons legitimated in 1533; when Bishop of Murray, he had five sons legitimated in 1545, two daughters in 1550.—(Reg. Mag. Sig. lib. xxv. no. 69; lib. xxix. no. 285; lib. xxx. no. 572. MS. Reg. House.)

[1] P. 176.

[2] Even before the meeting of the Provincial Council of 1559, we find Peter Martyr writing from Zurich 'that the people in Scotland have now obtained the Gospel; they have public preaching and the due administration of the sacraments; these they have not obtained by the public law, or by the Queen's consent, but the people have taken them.'—(Mr. Stevenson's Calend. of Foreign State Pap. 1558-9, p. 79.)

[3] Act. Parl. Scot. vol. ii. pp. 534, 535, vol. iii. pp. 14, 22, 23: 'It is statute ande ordanit in this present Parliament . . . that na maner of person nor personis say Mess, nor yit heir Mess, nor be present thairat, vnder the pane of confiscatioun of all thair gudis movabile and vnmovabile, ande pvneissing of thair bodeis, at the discretioun of

Act of Parliament forbidding the Mass to be said, under pain of confiscation, banishment, and death, 24. Aug. 1560.

bration of its rites forbidden under pain of confiscation and imprisonment for the first, of banishment for the second, of death for the third offence.

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Scotland was lost to Rome, but Rome was slow to perceive, at least to acknowledge, the loss. It still despatched Nuncios to Holyrood, but they were veterans of the Company of Jesus, or else they carried with them divines experienced in the toils of controversy.[1] An ambassador from Francis and Mary, King and Queen of France and Scotland, laid the tribute of their obedience at the feet of Pope Pius the Fourth, and received in return assurances that the Pontiff's prayers and good offices would not be wanting to the peace and prosperity, temporal and spiri-

the magistrat within quhais jurisdictioune sik personis happynnis to be apprehendit, for the first falt; banissing of the realme for the secunde falt; and justifying to the deide for the thride falt.'

Principal Robertson and Dr. M'Crie.

'Such strangers'—is the indignant comment of Principal Robertson—'such strangers were men, at that time, to the spirit of toleration, and to the laws of humanity; and with such indecent haste did the very persons who had just escaped the rigour of ecclesiastical tyranny, proceed to imitate those examples of severity of which they themselves had so justly complained.'—(Hist. of Scot. book iii.; Works, vol. i. pp. 195, 196. edit. Oxf. 1825.)

This was written in 1758. More than fifty years afterwards another Scottish historian and divine had to give account of the same statute. If the friends of religious liberty, of Christian charity, should regret that he has no word of rebuke for such sanguinary intolerance, they must at least acknowledge the pious care with which he seeks to conceal it from his readers: 'On the 24th of August the parliament abolished the papal jurisdiction; prohibited, under certain penalties, the celebration of mass; and rescinded all the laws formerly made in support of the Roman Catholic church, and against the Reformed faith.'—(Dr. M'Crie, Life of Knox, p. 162. edit. 1855.)

The statute of 1560 was ratified and renewed in 1567; and the General Assembly, again and again, urged its enforcement, in order to the 'eschewing of the wrath and judgement of the eternall God and removeing of the plagues threatned in his law.'—(Book Univ. Kirk Scot. vol. i. pp. 6, 8, 9, 19, 20, 21, 23, 40, 47, 53, 59, 107, 109.)

[1] Raynald. Annal. Eccles. ann. 1559. § x. ann. 1562. §§ CLXXXII. CLXXXIII. t. xv. pp. 26, 325, 326. Anderson's Collect. on Hist. of Queen Mary, vol. i. pp. xxxii. xxxiii.

Papal Nuncios to Scotland, A.D. 1559-62:

The Bishop of Amiens, the Nuncio of 1559-60, was accompanied by three doctors of the Sorbonne: 'Nicolaus Pelleuaeus, Ambianensis episcopus ... (qui postea Archiepiscopus Senonensis, [l. Remensis] ob pietatem et virtutem in sacrum Cardinalium coetum cooptatus est) quod Nuncii Apostolici cum potestate Legati a Latere prouinciam a Pontifice habuerat sibi impositam, istius curae ac laboris socios asciuit Dominos Furnierum, Brochetum, ac Forriteirum Sacrae Theologiae Doctores, viros magni nominis, sanctissimae vitae, et reconditae eruditionis. Ille ergo . . . aedem Divo Aegidio sacram, quam haeretici suis sordibus antea contaminarant, sacris caeremoniis ad Romanae Ecclesiae regulam sancte piandam curauit, ac ut omnibus rei bene gerendae viam aperiret, sequenti luce rem sacram facit tanta populi frequentia, tanto pietatis studio, tanta denique omnium de religione restituta laetitia, ut ne verbis quidem possit exprimi. Huius exemplo excitati multi ex nostris, tam praelati quam sacerdotes sacra Missarum solennia aliaque ecclesiae officia publice quotidie obierunt. Doctores quoque illi Parisienses, qui cum Episcopo venerant, Catholicae veritatis rationem pro suggesta ita aperiunt, partim rationibus partim aucto-

Nicholas de Pellevé, Bishop of Amiens (afterwards Cardinal Archbishop of Rheims), A.D. 1559-1560.

tual, of both their realms.[1] Next spring, his Holiness sent the Golden Rose, blessed yearly by the Successor of St. Peter, to the widowed Queen of Scots, the Dowager of France, herself a fair rose set among thorns of heresy, shedding far and wide the sweet odour of her faith and good works.[2]

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When, after an interruption of ten years, the Council of Trent was about to meet again, the Pontiff exhorted and entreated the Scottish Queen to send Bishops and an Ambassador from Scotland to join in its

Papal Nuncios in Scotland, A.D. 1559-1562;

ritatibus Scripturarum ac Doctorum, vt illos, qui nutabant, plane confirmarint, ac confirmatos veritatis studio prorsus incenderint. Ex nostris quidam horum exemplum persecuti, eandem functionem obierunt tanto cum fructu, vt mirareris populi alacritatem illorum concionibus ad vindictam de haereticis sumendam pie excitatam . . . Doctores vero, qui tam agregie suo munere functi sunt, post illorum in Galliam reditum singuli singulis muneribus ornantur . . . Verum quarum rerum fundamenta hi iecerant praeclara, euertit postea et malitia haereticorum, et negligentia Catholicorum pene torpentium.'—(Lesl. De Reb. Gest. Scot. pp. 558-560.)

Nicholas Gaudanus, A.D. 1561;

Nicholas Gaudanus, the Nuncio of 1561, was a priest of the Society of Jesus; and his companions were of the same order. One or two of them—such as James Tyrie, John Hay, Edmund Hay—rose to some distinction.—(Dr. Oliver, Biog. Memb. Soc. Jes. pp. 15, 23, 34, 39. Theiner, Annal. Eccles. ann. 1573. § CIV. t. i. p. 186.)

Everard Mercurian, A.D. 1562.

The Nuncio of 1562, was Everard Mercurian, Provincial of Flanders, afterwards General of the Society.

Jesuits in Scotland, A.D. 1542.

It appears that members of the Company had found their way to Scotland, as early as the year 1542: 'Cum vero in Scotiam pervenissent hoc anno Sancti Ignatii socii, qui Internuntii in Hiberniam decreti fuerant a Pontifice, atque in eo regno pietatem latius propagare percuperent, Paulus iisdem praerogativis, quas in Hibernia contulerat, eos affecit.'—(Raynald. Annal. Eccles. ann. 1542. § LI. t. xiv. p. 25.)

Francis and Mary, King and Queen of Scots, make their allegiance to Pope Pius IV., May 1560.

[1] See the 'Responsum datum Oratori Francorum Regis et Reginae Scotiae, post obedientiam tributam Sanctissimo Domino nostro Pio Papae IV de mense Maii MDLX,' in Raynald. Annal. Eccles. ann. 1560. § XXIV. t. xv. pp. 60, 61.

The ambassador's speech appears to have been regarded with some jealousy in Scotland, offence being taken at the words *a qua illud dotis nomine accepit*.—(Mr. Stevenson's Calend. Foreign State Pap. 1560-61, p. 295.)

Were the *accipe dotales Scotos*, the *hanc tibi dat conjunx dotem*, of Buchanan's spirited Epithalamium forgotten?

Letter of Pope Pius IV. to Queen Mary of Scotland, accompanying the Golden Rose, 23. Mar. 1561.

[2] 'Reginae Scotiae etc. Benedictam solemni ritu nuper a nobis antiquo praedecessorum nostrorum Romanorum Pontificum more Rosam Auream in quarta Dominica Quadragesimae, qua canitur in ecclesia *Laetare Hierusalem*, mittendam Serenitati tuae potissimum esse duximus, ad nostrum erga te paternam benevolentiam declarandam, quae tanquam rosa pulcherrima inter spinas suavissimum fidei et bonorum operum tuorum odorem longe lateque diffundis. Refert autem hic flos Dominum et Redemptorem nostrum Jesum Christum, qui de radice Jesse ortus flos est campi, liliumque convallium, ecclesiae vero gaudium laetitiamque, ut tibi merito mittendus fuerit, quae et ipsum Christum Dominum nostrum pura admodum atque integra fide, nec minore vitae ac morum honestate colis, et Universalem Ecclesiam tot filiorum amissione moerentem tuae fidei pietatisque constantia consolaris. Hoc tu igitur, charissima filia, munus non tam ex materia quam ex mysterio et nostro erga te animi testimonio aestimandum, pie admodum devoteque suscipe, etc. Sed ut sacrum munus sacra etiam cum caeremonia, sicut decet, accipias, post Missam, ab aliquo quem elegeris Episcopo, et in qua volueris ecclesia, rite celebratam ipsam Rosam tradi volumus. Illius aurei floris recordatione incitata, ita in timore Domini mandatorum ipsius observatione persevera ac profice, ut ad illius coelestis Hyerusalem gaudia sempiterna ipso perducente Domino pervenire merearis, etc. [Datum Romae etc.] die XXIII. Martii MDLXI. anno

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deliberations.[1] Mary, elated at the moment by hope of a marriage with Don Carlos of Spain,[2] would have rejoiced to see the representatives of her little northern realm taking their seats among the representatives of the great Catholic powers of Europe. But the necessities of her position were inexorable. She could only lament her inability to comply with the Pope's request, and commission her uncle, the Cardinal of Lorraine, to make the Council aware of her helplessness. The Queen's letter,[3] the Cardi-

[pontificatus nostri] I.'—(Raynald. Annal. Eccles. ann. 1561. § LXXVI. t. xv. pp. 164, 165.)

The Rose was among the treasures of the Queen's cabinet when she left France in August 1561: 'vne roze dor qui fut presente de la part du Pappe a laquelle y a huit blanches et vng petit saphis au bout.'—(Invent. of Mary Queen of Scots, p. 17.)

Letter from Pope Pius IV. to Queen Mary of Scotland, urging her to send Bishops and an ambassador from Scotland to the Council of Trent, 12. Jan. 1562.

[1] The Pope's letter, written from Rome on the 12th of January 1562, is in Raynald. Annal. Eccles. ann. 1562. § CLXXXII. t. xv. pp. 325, 326: 'Charissima in Christo filia nostra, salutem et Apostolicam benedictionem. Et si nuper eum literis et mandatis nostris, istuc visitandi tui causa, misimus dilectum filium Nicolaum Gaudanum presbyterum nobis probatissimum Ordinis Societatis Jesu, tamen impulsi recentibus et optatissimis de te nuntiis, iterandum per literas idem officium esse duximus. Fuit enim ad nos allatum, te simul atque in regnum redieris, continuo dare operam cepisse ut collapsam istic religionem et fidem Catholicam erigeres, populosque tibi subjectos in Ecclesiae Catholicae unitate et Sanctae hujus Sedis obedientia contineres. Quod pium studium et religiosa sollicitudo tua laudari satis digne nequaquam potest . . . Noli defatigari in tam pio et salutari opere: enitere quam maxime potes, ut regnum tuum ab haeresibus perpurges. Nullae te difficultates, nulla impedimenta deterreant . . . Dei enim causa est quam agis . . . Sed cum reliqua facta tua laudamus, tum consilium tuum vehementer probamus, quod, sicut accepimus, constituisti regni tui Episcopos una cum Oratore tuo ad Concilium mittere, qui si nondum profecti sunt, eos ut primo quoque tempore mittas, hortamur Serenitatem tuam et rogamus. Jam enim Tridentum tanta Episcoporum multitudo convenit, totque alii in itinere sunt propediem illuc dante Deo perventuri, ut jam maturum sit sanctas illas et salutares actiones, quarum causa Concilium congregatum est ad Dei laudem et gloriam sine mora aggredi,' etc. etc.

It would seem that the Pope's letter, although dated in January, did not reach the Queen's hands until July.—(Letter from Randolph to Cecil, 1. Aug. 1562, quoted in Mr. Tytler's Hist. of Scot. vol. v. p. 221. edit. 1845.)

[2] M. Cheruel, Marie Stuart et Catherine de Medicis, pp. 34, 35. M. Teulet, Relat. Polit. de la France et de l'Espagne avec l'Ecosse, t. v. pp. 3-9.

Letters from Queen Mary of Scotland to the Council of Trent, to Pope Pius IV., to the Cardinal of Lorraine, Jan.-Mar. 1563.

[3] The Queen's letter, dated at St. Andrews, on the 18th of March, was read at Trent on the 10th of May 1563. It is printed by Prince Labanoff, in his Lettres de Marie Stuart, t. i. pp. 179, 180, from a contemporary copy in the Imperial Library at Paris. When I reprinted it (below, p. 249) from this source, I overlooked that it had been already printed, with some better readings, in Raynald. Annal. Eccles. ann. 1563. § CXI. t. xv. p. 416, from two copies, one in the Vatican, one in the Barberini Library.

Six weeks before she wrote to the Council of Trent, Mary had written to the Cardinal of Lorraine, and to the Pope, lamenting her inability to send any Scottish prelate to Trent, expressing her readiness to obey its decrees, and to enforce their observance by her subjects, so far as might be in her power. Her letters are printed by Prince Labanoff in his Lettres de Marie Stuart, t. i. pp. 175-178, from contemporary copies in the Magliabechian Library at Florence. There are copies of both letters, as well as of Mary's letter to the Council of Trent, in a hand of the beginning of the last century in the Adv. Lib. Edinb. 33.3.25 (one of the volumes of Sir Robert Sibbald's collection), 'extracted,' as a prefatory note tells us, 'out of a manuscript in the Barberini Library at Rome called the Memoirs of the Archbishop of Zara concerning some affairs in the Counsell of Trent, in which Counsell that Archbishop was present.'

The transcripts appear to have been made by a

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nal's speech,[1] were received with every mark of respect; and the Synod, by the mouth of its prolocutor, declared its conviction that the name of Mary of Scotland would be had in everlasting remembrance as the name of a sovereign prepared to suffer the loss of all, even of life itself, for the faith.[2] The Cardinal of Lorraine had given hope that some of tho Scottish Prelates who had found refuge in France, might speedily appear at Trent.[3] His expectations were disappointed; but before tho Council broke up, William Chisholm, newly chosen Bishop of Dunblane, presented himself at the Vatican as ambassador from the Queen of Scots.[4] Such were his assurances of the feelings of the Earls of Lonnox, Atholl, Huntly, Montrose, Eglinton, Cassilis, Erroll, Caithness, Lord Hume, and others, that the Pope wrote to them one by one, exhorting them to persevere in their fidelity to the Queen and their allegiance to the Holy Seo.[5]

John Jamieson, D.D.

priest of the Church of Rome, Dr. John Jamieson, a learned and zealous Scottish antiquary, of whom it is to be regretted that so little is known. He seems to have been the son of an Aberdeen trader, and to have died, while still a young man, before the year 1702. His Remarks on Bede's History, and his Observations on Sir James Melville's Memoirs, are preserved in the same manuscript with his transcripts of Queen Mary's letters. It contains too his Notes on the Chronicle of Melrose — 'Viri admodum docti D. Joannis Jamisonii Theologiae Doctoris in Chronici Melrossensis exemplar impressum, Notae Criticae' —printed in Bishop Nicolson's Scott. Hist. Lib. pp. 347-350. edit. 1702. He wrote also Notes on Martine's Reliquiae Divi Andreae, and on Archbishop Spottiswoode's History of the Church of Scotland, especially the first and second book. He transcribed Ferrerius' Historia Abbatum de Kynlos from the original in the Queen of Sweden's Library in the Vatican. He compiled for Thomas Innes a Chartularium Ecclesiae Aberdonensis, drawing his materials from the registers in Scotland. He brought home from Rome—where we are told 'he lived many years, and had access to all their libraries,'—copies of many Papal bulls and briefs concerning Scottish affairs. He took 'extracts of the Consistorial proceedings of the Scottish Church, from the year 1494 to the Reformation'—no doubt from the Acta Consistorialia at Rome. We are informed that he 'searched with zeal everywhere both in Italy and France,' and that he found 'a French History of Scotland, in a vellum manuscript, in the King of France's Library,' and 'observed the language to be of considerable age.'—(T. Innes, Crit. Ess. vol. ii. pp. 578, 579. Bp. Nicols. Scot. Hist. Lib. pp. 130, 182, 196, 211, 213, 224. Ferrer. Hist. Abbat. de Kynlos, p. viii. Bannat. Club: 1839. Mr. Maidment's Catal. of Scot. Writers, pp. 124, 125.)

[1] Pp. 249, 250.

[2] Raynald. Annal. Eccles. ann. 1563. §§ CXI. CXII. t. xv. pp. 416, 417.

[3] P. 250.

[4] Raynald. Annal. Eccles. ann. 1563. § CXIII. t. xv. p. 417.

[5] See the Pope's letter to the Earl of Lennox, dated 27th September 1563, in Raynald. Annal. Eccles. ann. 1563. § CXIII. t. xv. pp. 417, 418.

Letters from Pope Pius IV. to the Earls of Lennox, Atholl, Huntly, Montrose, Eglinton, Cassilis, Erroll, Caithness, Lord Hume, etc.,

The names of the other nobles to whom the Pontiff wrote have been so disguised by foreign scribes or printers, as in some cases to make recognition difficult or impossible: 'Eodem exemplo repetitae literae ad Joannem de Atholl, Jacobum de Nuatle, Guilielmum de Montrois, Davidem de Eglinem, Jacobum de Eglinem, Jacobum de Cassilis, Joannem de Cuenes, Guillelmum de Errold, Joannem de Maronatus. Pariter est eximiis ornatus laudibus Joannes regulus de Hume ob constantiam in asserenda fide Catholica, egregiumque

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When the Council of Trent was at an end, the Pontiff sent its acts to Mary, with letters in which he urged her to dismiss all heretics, all persons suspected of heresy, from high places, and required the two Metropolitans of Scotland to see that the decrees of the Synod received due observance in their provinces.[1] His Holiness seems not to have known that the Archbishop of Glasgow had already fled from his diocese, never to return; and that the Primate, although he abode beyond the Tweed, had no power to enforce canons of faith or rules of discipline, could not so much as say mass in public, without hazard of exile or death.

In the following summer the Bishop of Dunblane was once more despatched to Italy, on a secret mission to procure a dispensation from the Pope for the marriage of Mary and Darnley. Such was the

in Reginam studium, ac de nobilitate Scotica hoc elogium protulit Pontifex: *Talis in religionem animus, et tam sincera erga nos qui regnant fides, ab omnibus quidem requirenda sunt, sed multo magis elucent in iis, qui nobilitate generis antecellunt.*'

A report by a Scottish priest on the state of Scotland in 1582, enumerates the Duke of Lennox, the Earls of Huntly, Eglintoun, Argyle, Caithness, the Lords Hume and Seton, as the chief supporters of the Roman Catholic faith.—(Theiner, Annal. Eccles. ann. 1582. § LXII. t. iii. p. 371.)

Letters from Pope Pius IV. to Queen Mary of Scotland, and to the Archbishops of St. Andrews and Glasgow, urging the observance of the decrees of Trent, 13. June 1564.

[1] 'Ad asserendam Catholicam fidem atque Tridentini Concilii decreta observanda, Pius Pontifex Mariam Scotiae Reginam transmissis ad eam Synodi actis XIII. Junii per epistolas inflammavit, quibus etiam illam est hortatus ut haereticos vel haereseos suspectos dignitatibus amoveret. Joannem quoque Archiepiscopum Sancti Andreae Scotiae Primatem, ut ex Sacrosancti Concilii praescripto male de fide Catholica sentientes reprimeret, est hortatus, illius in fide constantiam commeritis efferens laudibus, quod multos pro ipsa labores susceperit, multasque subierit aerumnas; gratulatusque est illi non modicum, cum ex Apostolo passiones hujus temporis cum futura gloria comparatae non exiguae tantum, sed nullae sint. Glascuensem etiam praesulem incitavit, ut ad eadem decreta servanda omni studio incumberet.' —(Raynald. Annal. Eccles. ann. 1564. § XLIX. t. XV. p. 524.)

Letter from Queen Mary of Scotland to Pope Pius IV. thanking him for the Acts of the Council of Trent, etc., 20. Oct. 1564.

The Queen's letter to the Pope, dated at Edinburgh, on the 20th October 1564, thanking him for the Acts of the Council, is printed by Prince Labanoff, in his Lettres de Marie Stuart, t. vii. pp. 6, 7: 'Très Saint Père, despuis le retour de nostre oncle, Monsieur le Cardinal de Lorrayne, du Sainct Concille tenu en la ville de Trente, nous avons esté advertye par luy des Saincts Statutes et Décrets qui y ont esté faictz pour l'augmentation et intégrité de la religion Catholicque et Chrestienne; et, despuis, il a pleu à Vostre Saincteté nous envoyer ung livre de tout ce qui a esté traicté en ce Sainct Sinode, duquel avons receu ung singullier contentement; et aussi nous avons cogneu par ses lettres la bonne mémoire et protection qui luy plaist avoir de nous, de quoy baisons en toute humilité les pieds de Vostra Sainctaté et la supplyons nous tenir tousjours au nombre de ses plus humbles et dévotes filles, qui estudierons de plus en plus pour l'accroissement et union de nostre mère la Saincte Eglise et y ferons obéyr tous nos subgectz, si Dieu par sa grâce peut réduyre et anéantire les hérésies (come j'espère), ensemble le bon ordre et réformacion que Vostre Sainctetè y pourra donner; et de nostre costé nous n'y espargnierons aucun moyen qui soit en nostre puissance, ainsi qu'il nous est commandé de Dieu, lequel, pour fin, nous prions vous donner, en très heureuse santé, tres longue vye. De Vostre Sainctetè bien humble et dévote fille, MARIE R.'

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mystery in which it was thought necessary to wrap the affair, that the envoy had returned to Scotland, the nuptials had been solemnized at Holyrood, before the Pontiff announced to the Cardinals at Rome 'that he had granted a dispensation for the marriage of the Queen of Scots with a certain Englishman her kinsman, receiving their promise that they would defend the Catholic religion to the utmost of their power.'[1] The Cardinals were not told, the Pope did not know, that Mary had scarcely given this pledge to the Holy See, before she caused proclamation to be made at the market cross of every shire in Scotland 'certifying and assuring all her good subjects that as they, nor any of them, have hitherto been molested in the quiet using of their religion and conscience, so shall they not be disquieted in that behalf in any time to come, but behaving themselves honestly as good subjects, shall find her Majesty, their good Prince, willing to do them justice, and to show them favour and clemency without innovation or alteration in any sort.'[2]

The Queen's proclamation of liberty of religion and conscience, 12. Jul. 1565.

Dispensation by Pope Pius IV. for the marriage of Queen Mary of Scotland and Henry Lord Darnley: their promise to maintain the Catholic religion to the utmost of their power, A.D. 1565.

[1] 'In Scotia cum haeretici Mariae Reginae viduitatem temnerent, atque ad opprimendam religionem Catholicam saeva consilia cum Elisabetha Angliae Regina, quae potiora esse Mariae in Angli-cum sceptrum jura non ignorarat, de viro illi tradendo, ex quo prolem susciperet, ad confirmandas regni res debilitandaque seditiosorum molimina actum est. Delegit illa Henricum Darlaeum juvenem forma praestantem, Regiaque stirpe satum, et Catholicae religionis studio flagrantem, qui cum affinitate sanguinis Reginam contingeret, postulatum est utriusque nomine a Pio Quarto Pontifice, ut legem canonicam contrariam ad eorum gratiam solveret, quorum votis assensit Pontifex, ac medio Augusto in Cardinalium Senatu rem promulgavit, ut referunt Acta Consistorialia: *Decima septima Augusti* [et mox] *Fecit verbum de matrimonio Reginae Scotiae cum Anglo quodam affini suo, et dixit dispensationem se ad illius petitionem concessisse, et illos promittere se religionis Catholicae defensores pro viribus futuros esse.* Non pacati propterea haereticorum motus, nam extremam illi rabiem ad perturbandum publicum Scotiae statum excitatis seditionibus affuderunt, de quibus Pontifex in senatu decima secunda Octobris die habito conquestus est . . . ut referunt Acta: *Romae, decima secunda Octobris fuit Consistorium, in quo Sanctissimus dixit dissensiones non parvas esse in Scotia, deque Reginae Angliae matrimonio quod cum quibusdam Principibus tractatur, se ubique locorum Catholicis non defuturum, verum ipsis pecunia et militibus opem laturum.*'—(Raynald. Annal. Eccles. ann. 1565. §§ XIX. XX. t. XV. pp. 544, 545.)

The Bishop of Dunblane brought the Pope's dispensation to Edinburgh, on the 22d of July. On the same day, the banns of marriage were proclaimed in the parish churches of St. Giles and Holyrood, and in the Chapel Royal of the Palace. Seven days afterwards, on Sunday the 29th of July, the marriage was solemnized in the Chapel Royal.—(Prince Labanoff, Not. sur la Collect. des Portr. de Marie Stuart, p. 18. Diurn. of Occurr. pp. 79, 80. Bp. Keith, Hist. Ch. and State Scot. vol. ii. pp. 320, 344-347. Lib. Respons. in Scacc. Reg. Scot. 1546-1561. MS. Reg. House.)

[2] Proclamation of 'assurance touart the state of religion,' 12th July 1565, in the Regist. Secret. Concil.: Acta 1563-7, pp. 72, 73. MS. Reg. House.

Compare the Queen's letter to a Scottish Protestant Lord, dated 16th July 1565, in Prince Labanoff's Lettres de Marie Stuart, t. i. pp. 274-277. See Thorpe's Calend. of State Pap. of Scot. vol. i. p. 214. no. 79.

Compare also the Queen's answer to the

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The Bishop of Dunblane had not been many months in Scotland before he was sent a third time to the Papal Court, to lay the homage and obedience of the Queen of Scots at the feet of the new Pope, Pius the Fifth, and to implore his prayers and his help for the unhappy state of her realm, which, sad as it was, was still not beyond hope.[1] The envoy was graciously received, and was dismissed with assurances of aid both from the Papal treasury, and through the Pontiff's intercession with other Catholic Princes in the Queen's behalf. The weight of years, the cares of the church, prevented the Holy Father himself from crossing the Alps and the sea to her relief;[2] but he lost no time in accrediting a Nuncio to Scotland, with a subsidy of twenty thousand crowns. The prelate

The Queen's letter to the Reformed Church, claiming for herself the freedom of conscience enjoyed by her subjects, Jun.-Dec. 1565.

General Assembly, 25th June–25th December 1565: 'Praying all her loving subjects, seeing they have had experience of her goodness, that scho neither hes in tymes bypast nor yet meanes heirafter to prease the conscience of any man, but that they may worship God in sick sort as they are persuadit to be best, that they also will not prase her to offend hir awin conscience . . . Sa soone as Parliament holds, that whilk the thrie Estates aggries upon among themselves, her Majestie sall grant the same to them, and allwayes make them sure that no man salbe troublit for using themselves in religioun according to ther conscience, so that oo man sall have cause to doubt that for religiouns sake mens lyves or heiritages salbe in hazard.'—(Book Univ. Kirk Scot. vol. i. pp. 67, 68.)

Letter from the Queen to Pope Pius v. congratulating him on his election, and commissioning the Bishop of Dunblane to render the Queen's homage and obedience to his Holiness, 31. Jan. 1566.

[1] 'Beatissime Pater . . . nobis fidelem ac de religione Christiana probe meritum reverendum in Christo patrem Gulielmam episcopum Dumblanensem, legatum oratorem ac procuratorem nostrum cum mandatis ad Sanctitatem Tuam mittendum curavimus, tam ut illius electioni atque ad summum Pontificatus culmen promotioni nostro nomine congratularetur, tum etiam ut, post humillima oscula sanctorum pedum, debitum nostrum obsequium ac cum prompta voluntate obedientiam eidem praesentaret, obnixeque rogaret ut in suis sanctis sacrificiis, orationibus, consiliis, auxiliis spiritualibus simul et temporalibus miserum quidem adhuc et infelicem regni nostri statum juvet. Nondum enim eo adhuc res devenerunt quin hisce Sanctitatis Tuae fretae consiliis et auxiliis optima quaeque sperare et possimus et debeamus. Eam enim spem Pater Maximus Pius IIII., Sanctitatis Tuae praedecessor, nobis praebuit, quam a Sanctitate Tua augendam et implendam fore certo nobis persuademus, nam jam hostes nostri partim exulent, partim in nostris manibus positi sint: sed furor et extrema necessitas eos extrema tentare coget. At si Deus et Sanctitas Tua nobis aderit (quorum causam agimus) murum his fretae transgrediemur,' etc. etc.—(Prince Labanoff, Lettres de Marie Stuart, t. vii. pp. 8-10.)

This letter was written on the 31st January 1565-6—five or six weeks before the meeting of the Parliament, which, if it had not been interrupted by Riccio's murder, would, so Mary hoped, 'have done some good anent restoring the auld religion,' besides forfeiting Murray and the other Protestant chiefs who had risen in arms against the Queen, upon her ill-advised marriage with Darnley.—(Bp. Keith, Hist. Ch. and State Scot. vol. ii. pp. 412, 413.)

Letter from Pope Pius v. to the Queen, regretting his inability to repair to Scotland in person, and intimating the appointment of the Bishop of Mondovi as his Nuncio, June 1566.

[2] See the Pope's letter to the Queen, dated the 6th or 16th June 1566: 'Optassemus quoque vita nostra et sanguine tibi succurrere . . . Nunc quoniam ob ingrauescentem jam nostram aetatem, ac tot immensas occupationes, quibus pro vniuersa republica Christiana distinemur, in Scotiam ire non possumus, mittendum duximus venerabilem et charum fratrem nostrum Montisregalis Episcopum, latorem praesentium, virum rara virtute, probitate, doctrina, et prudentia praeditum, Nuncium nostrum, qui tibi singulis quibusque occasionibus inseruiat,' etc.—(G. Conaei Vita Mariae Stuartae, in Jebb, vol. ii. p. 50.)

Relations between Rome and the Scottish Court, A.D. 1560-1567.

chosen for the mission, was the Bishop of Mondovi, afterwards Cardinal Laurea. He at once set out on his journey, and having reached Paris waited instructions from the Queen. Mary professed herself eager for his arrival, that she might profit by his counsels, that he might witness her steadfast affection for the Apostolic See.[1] The Nuncio professed himself not less eager to address himself to the great work of restoring the faith among a nation of heretics. But with all this impatience on both sides, nothing was done. The Nuncio, without setting foot in Scotland, returned to Rome, carrying, it would seem, his subsidy with him. He accused Mary's lukewarmness as the cause of his failure;[2] Mary reproached him for not coming when she called him.[3]

Letters from the Queen to Pope Pius V., assuring him of her inflexible devotion to the Catholic faith and the Apostolic See, and expressing her joy at the appointment of a Nuncio to Scotland, Jul.-Oct. 1566.

[1] 'Certo tamen pollicemur nos nunquam a Catholica religione ac Sacrae Sedis Apostolicae observantia defecturos. Quod reipsa Nuntius vester, cum primum ad nos pervenerit, testatum reperiet, quem brevi ad nos venturum speramus. Cujus adventum, unacum pecunia de vestra liberalitate ad nos missa, non sine magno desiderio expectamus.'—(Letter from the Queen to the Pope, 17th July 1566, in Prince Labanoff's Lettres de Marie Stuart, t. i. pp. 355, 356, t. vii. pp. 11, 12.) Compare the Queen's letter to a French Prelate, 16th July 1566, ibid. t. i. pp. 363, 364.

'Non solum a Beatitudine Vestra, hisce meis adversissimis atque turbulentissimis temporibus literas consolationis atque spei plenissimas accepi, verum et hausi de dulcissimo fonte liberalitatis munificentiaeque vestrae misso intimo Beatitudinis Vestrae Nuntio, qui me consolaretur, confirmaret, atque paternae erga me benevolentiae vestrae daret testimonium . . . Fit ergo ut ego inter reliquos Catholicae fidei filios ac filias libentissime atque humillime accipiam atque amplectar divinas hasce vestras atque spei optimae plenissimas admonitiones atque consolationes, nec eis ullo loco defutura sim, sed omnibus viribus enixura ad restituendam propagandamque Catholicam religionem; ac quo plura certioraque de Beatitudinis Vestrae voluntate cognoscere possem, curavi admonendum Beatitudinis Vestrae Nuntium nunc in Gallia subsistentem, ut huc in regnum nostrum quanta commode poterit celeritate sese conferat. Recipietur profecto, tractabiturque omni quo decet honore, habiturus me in propagando Dei honore et regni hujus tranquillitate constituenda consiliorum suorum non impigram sive comitem sive ducem.'—(Letter from the Queen to the Pope, 9th Oct. 1566, in Cone's Vita Mariae Stuartae, in Jebb, vol. ii. pp. 51, 52; in Prince Labanoff's Lettres de Marie Stuart, t. i. pp. 369-372.)

See the Pope's answer, dated 22d January 1567, in Cone's Vita Mariae Stuartae, Jebb, vol. ii. p. 52.

[2] See the Nuncio's letter to the Pope, dated at Paris on the 16th March 1567, in Prince Labanoff's Lettres de Marie Stuart, t. vii. pp. 105-109. Compare Bp. Burnet's Hist. of Reformat. vol. iii. pp. 544-8, vol. vi. pp. 546-8. edit. 1865.

The Queen's instructions for excusing, to the Cardinal of Lorraine, her seeming remissness in not expediting the Nuncio's voyage to Scotland, May 1567.

[3] See the Queen's Instructions to the Bishop of Dunblane, her envoy to France, in May 1567: 'Furthermair, it may be that oure vncle the Cardinar sall peraduenture obiect and find fault, that we maid nocht sic exact diligence in convoying hither of the Nunce Apostolic as the wecht of the mater cravit. In quhilk point ye sall ansuer and satisfie him be declaratioun and making of trew report, how this last yeir about Martimes, we directit towart the said Nunce oure weilbelouit clerk and seruitour Maister Stevin Wilsoun, instructit with oure mynd, quhairof the cheif intent wes how the Nunce mycht be maist suirlie and convenientlie transportit towart oure realme and to oure presens, be the conduct of oure said seruitour; and yit we se na apperance of his cuming bot is partlie frustrat and put by our purpois, for lak of that support quhilk anis we vnderstude of his Halines liberalitie to haue bene destinat for we for the mantening of oure estait, and furth-

Queen Mary's concessions to the Reformed Church, 3. Oct. 1566-23. May 1567.

If, as seems more than probable, the Queen hesitated to urge the Nuncio to repair to Holyrood, she may well have doubted her power to protect his person in a palace which had so lately beheld the murder of Riccio, in a capital which still rang with the cries of Knox that 'the idolator should die the death.'[1] She must have known that the presence of an accredited representative of the Holy See would add terribly to her embarrassments with the Reformed. She may have been unwilling that the delegate of the Vicar of Christ should witness her unseemly relations with her weak, worthless, dissolute husband.[2] Some may think it possible that her devotion to Rome was obscured for the moment by 'the Gospel light' which 'dawned from' Bothwell's 'eyes'—that her zeal for the Catholic faith was allayed by the passion which persuaded her to sanction provisions for the better maintenance of the Reformed preachers;[3] to cut up church vestments of cloth of gold to make a gay garment for her lover, a counterpane for her child;[4] to consent to a statute which abrogated all penal laws against the Reformed religion, freed its followers for ever from the authority, power, and jurisdiction of Rome;[5] to revoke

setting of oure authoritie, bot cheiflie in default of his presence, counsale and conference with him, quhilk, joynit with the vther thing befoir said, in all apparance wes nocht onelie liklie to haif furtherit and avancit the mater verie heichlie, but alsua mycht haue red ws out of mony thrawart accidentis, quhilkis sensyne we haue fallin into; ane of the principall occasionis quhairof we mon imput to the said Nunceis absence, and nocht resorting to ws, quhilk hes procedit on his awin motioun and sair aganis oure will, as ye sall mak our vncle to vnderstand be all the gude and honest persuasions ye can tending to this end.'—(Reg. Sec. Conc.: Acta 1559-67. p. 160. MS. Reg. House. Anders. Collect. Hist. Queen Mary, vol. i. pp. 101, 102. Bp. Keith, Hist. Ch. and State Scot. vol. ii. pp. 600, 601. Prince Labanoff, Lett. de Marie Stuart, t. ii. pp. 43, 44.)

[1] Knox's Hist. Reform. Scot. vol. ii. pp. 270, 271, 276, 369, 370, 420, 421, 441, 446-449.

[2] See them described by the Lords of the Scottish Privy Council, in their letter to the Queen Mother of France, of 8th Oct., and by the French envoy in Scotland, in his despatch of 17th Oct. 1566, printed by M. Teulet, in his Relat. Polit. de la France et Esp. avec l'Eccosse, t. ii. pp. 282-293; and, in an English version, by Bp. Keith, in his Hist. of Ch. and State Scot. vol. ii. pp. 448-459.

Compare the less friendly reports collected for the English court, in Principal Robertson's Hist. of Scot., app. xvi. xvii.; Works, vol. ii. pp. 341-344. edit. Oxf. 1825.

[3] On the 3d of October, the 20th and 21st of December 1566, the 10th of January 1567.—(Bp. Keith, Hist. Ch. and State Scot. vol. iii. pp. 143-146, 159-161.)

The light in which the Reformed received the boon, may be seen from the supplement to Knox's History: 'The Queen . . . being in love with the Earl Bothwell, grants to the Protestants their petitions that they may be quiet and not trouble her plots.'—(Hist. of Reform. vol. ii. p. 539: cf. p. 548.)

[4] In March 1567.—(Inventories of Mary Queen of Scots, pp. xxvi. 53.)

[5] On the 19th of April 1567.—(Act. Parl. Scot. vol. ii. pp. 548, 549.)

and annull all permissions to exercise the offices of the old religion ;[1] and to marry,[2] according to the Reformed rites,[3] the most clamorous Reformer,[4] the most profligate noble, in her court.

Queen Mary's marriage with a Protestant, after the Protestant rite.

Amid her acts of grace or justice to the Reformed, Mary attempted, with whatever object, a partial restoration of the authority of the Primate of her own church. Its Consistorial jurisdiction fell, its Officials closed their courts when the statute passed which established the Reformed

Cessation of Consistorial jurisdiction, 24. Aug. 1560-8. Feb. 1564.

See the effect of this statute debated, on one side, by Lord Hailes, in his Remarks on the History of Scotland, chap. x. (reprinted in his Ann. of Scot. vol. iii. pp. 75-80) ; on the other by Principal Robertson, in his Hist. of Scot. book. iv., Works, vol. i. pp. 331-334. The Reformed had no difficulty in appreciating the motives with which it was passed : 'Thair wer alswa certane plausibill thingis grantit to pleis the pepill, and specially for the Kirk, namely, the repelling of certane lawis of Papische tyrannie maid for punisching of sic as durst anis mutter aganis the decreis of the sect of Rome. Thocht thir thingis wer acceptabill amang the commounaltie, zit thair remanit ane thing,' etc.—(Anders. Collect. on Hist. of Queen Mary, vol. ii. p. 33.)

Three days after the passing of the act, Mary is found writing from Stirling to the Papal Nuncio, the Bishop of Mondovi, at Paris, entreating him to keep her in the Pope's good graces, and not to suffer his Holiness to doubt her unchangeable devotion to the Catholic faith : 'Je vous prieray me tenir en la bonne grâce de Sa Saincteté, et ne le laysser persuader au contrayre de la dévotion que j'ay de mourir en la foy Catoliqne et pour le bien de son église, laquelle je prie à Dieu croître et maintenir.'—(Prince Labanoff, Lettres de Marie Stuart, t. ii. p. 20.)

[1] On the 23d May 1567.—(Bp. Keith, Hist. Ch. and State Scot. vol. iii. pp. 162-164.) Cf. Knox, Hist. Reform. book v. vol. ii. p. 557.

[2] On the 15th May 1567.

[3] 'Not with the Mess, bot with preitching,' says a contemporary Scottish chronicle.—(Diurn. of Occurr. p. 111.)

'Se marièrent à la nouvelle religion,' writes the French ambassador in Scotland, in a despatch to the Queen Mother of France.—(M. Teulet, Lettres de Marie Stuart, p. 111.)

The Spanish ambassador at Paris reports to his court that the Bishop of Dunblane has assured him that the marriage was celebrated by a Reformed bishop according to the Reformed rites : 'por mano de un obispo el mayor herege que ay en aquel reyno, y que toda la cerimonia fue à la Calvinista.'—(M. Teulet, Relat. Polit. de la France et de l'Espagne avec l'Ecosse, t. v. p. 25.)

Mary foresaw how her marriage with one of the Reformed faith, by a Reformed preacher, after the Reformed fashion, must startle her Roman Catholic friends and kinsfolk, and instructed her ambassador, the Bishop of Dunblane, to represent to them that Bothwell had finally driven her 'to end the work begun, at sic tyme, and in sic forme, as he thocht mycht best serue his turn. Quhairin,' she proceeds, 'we can nocht dissembill that he hes vsit ws vtherwayis than we wald haue wyssit, or yit haue deseruit at his hand ; having mair respect to content thame be quhais consent grantit to him befoir hand, he thinkis he hes obtenit his purpois, althocht tharin he had bayth frustrat ws and thame, than regarding oure contentatioun, or yit weying quhat wes convenient for ws, that hes bene nourissed in oure awin religioun, and neuir intendis to leif the samyn for him or ony man vponn earth.'—(Reg. Sec. Conc. : Acta 1559-67. p. 159. MS. Reg. House. Anders. Collect. on Hist. of Queen Mary, vol. i. p. 99. Bp. Keith, Hist. Ch. and State Scot. vol. ii. p. 599. Prince Labanoff, Lettres de Marie Stuart, t. ii. p. 41.)

The Queen's instructions for excusing her Protestant marriage, May 1567.

[4] 'Divers Lords have bene . . . requyred to be at the masse . . . Some have . . . refused . . . and of them all Bothwell is the stoutest but worst thought of.'—(Letter from Randolph to Cecil, 7. Feb. 1565-6. in Mr. T. Wright's Queen Elizabeth and her Times, vol. i. p. 220.)

Compare Inventories of Mary Queen of Scots, pp. xlv. xciv.

Cessation of Consistorial jurisdiction, A.D. 1560-1564.

religion.[1] There was no judicatory left to confirm testaments;[2] Consistorial causes either remained undecided, untried;[2] or they were carried to the Court of Session,[3] still more frequently were heard and

[1] 'Fornameikle as be eessing of the jurisdictionis of the Consistoreis of our realm, the actione quhilks wer wont to be discussit thairin hes takin sic lang delay that the leiges of our realm has bein greitlie indampnagit,' etc.—(Writ from the Queen to the Lords of Counc. and Sess. 1st March 1563-4, Acts of Sed. of Court of Sess. 1553-1790, pp. 5, 6.)

Compare the Queen's charter of erection of the Commissaries of Edinburgh, 8th February 1563-4, in Sir J. Balfour's Practicks, pp. 670, 671.

Exercise of Consistorial and Legatine jurisdiction by the Primate of St. Andrews, after the Reformation, A.D. 1561-1566

The Consistorial courts of the old church were shut; but in rare and exceptional instances, trial of Consistorial causes was still taken, and sentence given, under authority of the ancient hierarchy. Thus, on the 1st of April 1562, the Archbishop of St. Andrews, still writing himself 'Primate of all Scotland, Legate with the power of a Legate a Latere of the Apostolic See,' issued a commission to the subchaster and other two canons of Glasgow, to hear and determine the action of divorce raised by Hugh Earl of Eglinton against his reputed wife, Lady Jane Hamilton, daughter of the Duke of Chatelherault. The trial proceeded, apparently with every circumstance of publicity and formality, and proof having been led that the parties were within the fourth and fourth degrees of consanguinity, sentence of divorce on the ground of nullity was pronounced in the High Church of Glasgow, on the 30th of May 1563.—(Mr. W. Fraser's Mem. of Montgomeries, vol. ii. pp. 163-181.)

The validity of such a sentence was obviously open to very grave objections; and Lady Jane Hamilton lost no time in getting herself divorced from the Earl, on the ground of his adultery, by a sentence of the ministers and elders of the kirk of Edinburgh, acting under commission from the Lords of the Privy Council. See below, p. clxxv. note 1.

The Earl of Eglinton, on the other hand, seems to have kept by the old faith; and in August 1562, asked and obtained a dispensation for his second marriage, from 'John by divine mercy Archbishop of St. Andrews, Primate of the realm of Scotland, Legate Natus, and Legate with the power of a Legate a Latere of the Apostolic See.'—(Mem. of Montgom. vol. ii. pp. 189, 190.)

In the same manner, in February 1565-6, the Archbishop, in exercise of his Legatine authority, granted a dispensation for the marriage of James Earl Bothwell, and Lady Jane Gordon. See below, p. clxxxii. note.

So, again, in July 1561, the Primate, still in exercise of his Legatine authority, granted two commissions, one to the Abbot of Sweetheart, the Abbot of Crosraguel, and two canons of Glasgow, to confirm a charter by the Abbot of Glenluce to the Earl of Cassilis; the other, to the Abbot of Glenluce, the Abbot of Sweetheart, and two canons of Glasgow, to confirm a charter by the Abbot of Crosraguel to the Earl of Cassilis.—(Orig. at Culzean.)

Once more, in September 1565, the Primate, as Legate with the power of a Legate a Latere, in compliance with the gift and supplication of the Queen's Grace, collated Alan Stewart to the abbacy of Crosraguel, vacant by the decease of Quintin Kennedy in July 1564. Stewart accordingly received institution in December 1565, in terms of the Queen's presentation, the Primate's collation, the admission of the subprior and monks.—(Orig. at Culzean.)

No judicatory for the Confirmation of Testaments, A.D. 1560-1564.

[2] Act. Parl. Scot. vol. iii. p. 240: 'Cum animadverteret charissima nostra mater, post instauratam religionem et Officialitates atque ecclesiasticas jurisdictiones in hoc nostro regno abrogatas, subditis suis nullam patere aditum ad judices Ordinarios qui testamenta confirmarent et de spiritualibus causis cognoscerent, ex sua Dominorumque Secretj Consilij sententia, in Officialitatum abrogatarum vicem, jurisdictiones Commissariatuum in hoc regno effecit et surrogauit,' etc.

In December 1560, the General Assembly resolved to petition the Parliament 'to take order with the confirmationn of testaments, that pupils and orphans be not defrauded, and that lawes be made thereupon in their favours.'—(Book Univ. Kirk Scot., vol. i. p. 6.)

Exercise of Consistorial jurisdiction by the Court of Session, A.D. 1560-1564

[3] Thus, on the 19th December 1560, John Chalmers of Fintray brings an action of adherence against Agnes Lumsden his wife, before the Court of Session, 'becaus thair is na Consistoreis instant and the office of the spirituale juge quhilkis of

judged in the popular assemblies of the Reformed Kirk.[1] The necessity of some other means for disposing of questions affecting so many grave and weighty interests soon hecame obvious; and about three years

Cessation of Consistorial jurisdiction, A.D. 1560-1564.

befoir wes wont to cognosche in siclike caussis now ceissis.'—(Register of Acts and Decreets of the Lords of Council and Session, vol. xx. fol. 219. MS. Reg. House.) Cf. Sir J. Balfour's Pract. p. 269.

Thus also, on the 16th of February 1562-3, the Court of Session was appealed to because the 'Consistorie sittis not, nor thair is na executionis to be had that way.' So, again, on the 22d March 1562-3, it was complained to the Court of Session that 'because the Consistorial jurisdiction is abolisheit, the said complenaris could get na cursing,' that is, no excommunication.—(Fergusson's Decis. Consist. Court Scot. pp. 425-427. Mr. Riddell's Peer. and Consist. Law Scot. vol. i. pp. 426-430.)

After the erection of the Commissaries, a question as to legitimacy arising, on the 23d of March 1563-4, in the case of Marjoribanks against Weir, the Court of Session 'remittis the decisioun therof to the Commissaris depute be the Quenis Grace for taking of cognitione in sik materis, and ordanis thaim to proceid and do justice theriotill to the saidis pertiis, as thai will answer to hir Hienes tharvpoun.'—(Reg. Acts and Decr. vol. xxix. foll. 149, 150. MS. Reg. House.)

Exercise of Consistorial jurisdiction by the Reformed Church, before the Parliamentary establishment of the Reformation, 1. Feb. 1559-60. 25. Jul. 1560.

[1] The Reformed Church exercised jurisdiction in Consistorial causes, even before the Reformation. Thus on the 1st of February 1559-60, the 'ministers, elders, and deacons of the Christian congregation of St. Andrews,' began to hear and determine claims of marriage and legitimacy, actions of divorce and adherence. They took the name of a 'consistory;' and seem, indeed, to have resolved themselves into some sort of judicial committee, where with the help and counsell of assessors, learned in divinity and law, they framed the sentences which were afterwards read openly by the minister (who in one instance was John Knox) in face of the congregation.—(Miscell. Maitl. Club, vol. iii. pp. 221-248.)

So also, at Edinburgh, on the 25th of July 1560, the ministers, elders, and deacons decerned Elizabeth Sclater, whom they had found guilty of adultery, 'to be nae langer the wife' of Jerome Hamilton, but to be divorced from him, and to have lost her 'tocher' or dowry.—(Fergusson's Decisions of the Consistorial Court in Scotland, pp. 425-427. Mr. Riddell's Peerage and Consistorial Law of Scotland, vol. i. p. 443.)

Exercise of Consistorial jurisdiction by the Reformed Church, after the Reformation, 24. Aug. 1560. 8. Feb. 1564.

After the abolition of the Pope's jurisdiction (on the 24th of August 1560), when the old Consistorial courts ceased to sit, resort to the assemblies of the Reformed church become still more frequent. See Mr. Riddell's Peer. and Consist. Law Scot. vol. i. pp. 430, 431; Book Univ. Kirk Scot. vol. i. pp. 5, 31-33, 35; Miscell. Maitl. Club, vol. iii. pp. 248-336.

In at least one case, where, on the 22d of December 1560, a husband had petitioned the Privy Council to take trial of his wife's adultery, the Privy Council 'requested the ministeris and eldaris of Sanctandrois to procede and do justice . . . conform to the word of God.' The ministers and elders, accordingly, having heard evidence, pronounced sentence of divorce.—(Miscell. Maitl. Club, vol. iii. pp. 248-254.)

In another instance, where Lady Jane Hamilton, daughter of the Duke of Chatelherault, addressed herself to the Privy Council, for divorce from her husband, Hugh Earl of Eglinton, on the ground of adultery, the Privy Council issued a commission for the trial of the case, to the minister, elders, and kirk of Glasgow, and, on their failure, to the minister, elders, and kirk of Edinburgh, along with any two of six persons, men of learning, nominated in the commission. The minister and elders of Edinburgh—that is, as the record explains, the Superintendent of Lothian, the minister (John Knox) and the elders and deacons of Edinburgh—along with the Lord Clerk Register, and the General of the Mint, 'tua of the leirnit ond nobill men appoyntit be the saidis Loirdis of Secreit Counsall to be adioynit to the said minister ond elderis at the principall dyettis of the actione'—having found the adultery proved, prononnced sentence of divorce on 25. June 1562.—(Mem. of Montgom. vol. ii. pp. 183-185.)

Ten days afterwards, the General Assembly resolved 'anent the actiouns of divorcements, to make supplicatioun to the Secreit Counsell, that either they give up universallie the judgement of divorce to the Kirk and their sessiouns, or els to establish men of good lyves, knowledge, and judge-

Institution of Commissaries or Consistorial Judges by the Crown, 8. Feb. 1564.

after the Reformation, the Queen, by a writ under her quarter seal, appointed four Commissaries, sitting at Edinburgh, to exercise by themselves or by their deputies in the country, the jurisdiction formerly

ment, to take the order thereof.'—(Book Univ. Kirk Scot. vol. i. p. 19: comp. pp. 29, 34.) This suggestion of a new Consistorial judicatory may have been prompted by the apprehension, or the experience, of irregularities in the practice of the Reformed church courts. Thus, on the 10th December 1562, we find the 'minister, elderis, and deaconis of the congregation of Cryst his peple, withie the burgh of Aberdene' passing an ordinance 'that the minister, nor the clerk gife na summondis of diuorce furth agains ony personn, without the avise of the assemblie'—that is without the anthority of the assembled minister, elders, and deacons—the 'particular' as distinguished from the 'general' assembly.—(Eccles. Rec. Aberd. p. 11. Spald. Club: 1846.) So again, on the 31st of December 1562, the General Assembly ordain 'that no ministar nor others bearing office within the Kirk, take in hand to cognosce and decide in the actioune of divorcement, except the Superintendents, and they to whom they shall give speciall commissioun, and betwixt speciall persons.'—(Book Univ. Kirk Scot. vol. i. p. 30.)

Exercise of Consistorial jurisdiction by the Reformed Church, after the erection of Commissaries or Consistorial Judges by the Sovereign, 8. Feb. 1564.

Within little more than a twelvemonth, the Commissaries were instituted. Their commission not only gave them jurisdiction in all consistorial causes—'omnes actiones concernentes decimas, testata bona, injurias, curatorum donationem . . . necnon omnes alias actiones et causas . . . quae in Consistorio perprius judicari et decidi solent, una cum omnibus causis et actionibus beneficialibus, matrimonialibus, divortii et bastardiae,' etc. but armed them with the power of suppressing all other judges not duly competent or authorized: 'cum potestate . . . omnes alios judices incompetentes in illis causis seu casibus, infra hoc nostrum regnum, inhibendi ad procedendum in causis dictorum Commissariorum nostrorum jurisdictioni pertinentibus sive spectantibus; cum certificatione iis, si in hoc succubuerint, aut defecerint, sive processerint, quodcunque illis agere contigerit depost, in se nullum nulliusque effectus declarabitur, cum omnibus quae desuper sequentur; ipsique pro eorum inobedientia punientur.'—(Sir J. Balfour's Practicks, p. 671.)

This clause was, no doubt, aimed at the Reformed church. But although, as the General Assembly declared in December 1566, 'for hope of good things the Kirk oversaw the Queens Majesties commission gevin to sick men who for the most part was our brethren,' to judge in causes which 'pertaines to the true Kirk,' yet the Consistorial jurisdiction of the church courts was not to be lightly surrendered.—(Book Univ. Kirk Scot. vol. i. pp. 54, 55, 61, 62, 66, 72-74, 88, 146, 160, 161, 187. Eccl. Rec. Aberd. pp. 175, 188-192. Wodrow's Biogr. Collect. vol. ii. part ii. pp. 35, 55.)

The Consistorial judgments of the Reformed Church annulled by the Commissaries appointed by the Crown.

They persevered in its exercise, although the sentences which they pronounced were unceremoniously set aside by the Commissaries. Thus, in June 1571, the Commissaries reduced or annulled a decree of solemnization of marriage pronounced, four monthe before, by the Superintendent of Fife, because it was given by him 'wrangulie, he nawayis being judge to cognosce or decree therintill on ony sik actioune, in respect mony yeiris of befoir the pronanciatione of the said pretendit decreet, ther wes ane commissionne gevin be Oure Soverane for the time, wyth the advyse of the Lordis of Secret Counsell, to the saidis Commissaris, to cognosce in all sik actiounes as solemnizatioune of meriage, like as thai have bene in use contenewalie sensyne to cognosce therintill and all uther Consistorial causes as only judges competent therto.'—(Mr. Riddell's Peer. and Consist. Law Scot. vol. i. pp. 430-433.)

Conflict of jurisdiction, in questions of tithes and benefices, between the Commissaries and the Reformed Church, A.D. 1578-1592.

From causes of marriage and divorce, the conflict seems to have spread to questions touching the Church in perhaps a still nicer point—tithes and benefices. Thus the second Book of Discipline (chap. xi. § 17) drawn up in 1578, demands, among other abuses in the Kirk to be reformed, that 'the dependances also of the Papisticall jurisdiction be abolishit, of the quhilk sort is the minglit jurisdiction of the Commissars, in sa far as they meddle with ecclesiasticall matters, and have na commission of the Kirk thairto, but wer erectit in tyme of Our Soveraignis mother, whan thingis wer out of order: It is an absurd thing that sindry of them, having na function of the Kirk, sould be judgis to ministers, and depose them from their roumis: Thairfoir they either

Institution of Commissaries or Consistorial Judges by the Crown, 8. Feb. 1564.

exercised by the Officials and Commissaries of the Archbishops and Bishops in their Metropolitan and Diocesan Consistories.[1] A priest of the old faith who abjured Calvin but had learned to follow Luther, an official of Lothian who had become a judge of the Court of Session—Sir James Balfour, perhaps the ablest lawyer of the age—was placed at the

wald be dischargit to medle with ecclesiasticall matters, or it wald be limitit to them in quhat matters they might be judges, and not hurt the libertie of the Kirk.'—(Books of Discip. p. 120, edit. 1836.) Cf. Sir J. Balfour's Practicks, p. 29; Book Univ. Kirk Scot. vol. i. p. 187.

So, again, in October 1581, the General Assembly appointed certain of its members to hold conference with the Commissaries 'anent the jurisdictioun of the Commissariat of Edinburgh, and quherin they middle with the jurisdictioun of the Kirk.'—(Book Univ. Kirk Scot. vol. ii. pp. 540, 541.)

The issue of the conference does not appear; but in June 1592 the Parliament passed an Act declaring 'that the jurisdictioun ecclesiastical belanging to the Officiallis of auld is and wes dissolvit in the Commissaris;' that they had faithfully discharged their duties; and that their 'jurisdictioun in spirituall caussis' is 'als ample, of the same force and auctoritie, with the jurisdictioun of the saidis Officiallis to quhome thai succedit.'—(Act. Parl. Scot. vol. iii. p. 574.) Cf. pp. 240-242.

Restoration of the Consistorial jurisdiction of the Archbishops and Bishops, subject to review by the Supreme Civil Court: the Commissaries nominated by the Archbishops and Bishops, A.D. 1609-1641, A.D. 1661-1690.

The establishment of Episcopacy removed all cause of jealousy or strife on the part of the Church. The Archbishops and Bishops were restored to their old consistorial jurisdiction, subject to the review of the Court of Session, the King's Great Consistory as it was styled; the Commissaries erected at the Reformation were suppressed; and the Archbishops and Bishops were empowered to appoint Commissaries in their several dioceses; all causes of divorce, the review of the judgments of all other Commissaries, being reserved to the four Commissaries sitting at Edinburgh, two named by the Primate of St. Andrews, two by the Metropolitan of Glasgow.—(Act. Parl. Scot. vol. iv. pp. 430, 431; vol. vii. pp. 314, 315, 372-374. Sir G. Mackenzie, Observ. on 20 Parl. King James VI. chap. vi.; Works, vol. i. pp. 366-368. Sir J. Balfour's Practicks, pp. 664-670. Canons and Constit. Eccles. of Ch. of Scot. chap. xix. pp. 42, 43. Aberd. 1636. Bp. Keith, Catal. Scot. Bish. p. 30. edit. 1755. Reg. of Acts and Decr. of Lords of Counc. and Sess.: Dalr. Off. vol. 83. (16th Feb. 1662) MS. Reg. House. Books of Sed. of Lords of Counc. and Sess. vol. vi. pp. 197-206. MS. Reg. House.)

The jurisdiction of the Commissaries, as then constituted, is voted a grievance by the Convention of A.D. 1689: it is transferred to the Sheriffs of counties, and to the Court of Session, A.D. 1823-1836.

When the Episcopal Church fell, the nomination of the Commissaries reverted to the Crown. Presbytery still looked upon them with an unfriendly eye as remnants of Popery, memorials of an abjured Prelacy. It was in vain that Sir John Nisbet, a great lawyer and scholar, vindicated them in an able and learned essay, 'whereby the usefulness and necessity of these courts is evinced, and doubts and prejudices against them are cleared.' The Convention which transferred the crown from King James to King William and Queen Mary, declared 'that the Commissariot courts as they are now constitute, are a grievance.' But either the Commissaries defended their jurisdiction with such success, or rather the difficulty of transferring it to any other judges was then so great, that the Parliament, imposing only some slight restraints, and abolishing the 'grievous and burdensome' quots, was content to spare it for the time. It survived to our own day, when it has been absorbed into the Court of Session, the functions of the inferior or diocesan Commissaries being transferred to the Sheriffs of counties.—(Dirleton's Doubts, pp. 29-35. Steuart's Answers, pp. 54-60. Act. Parl. Scot. vol. ix. pp. 45, 198, vol. x. p. 282. Bankton's Inst. book iv. tit. xiii. §§ 16, 17. Third Rep. of Comm. on Courts of Just. in Scot. pp. 56-59. Parl. Pap. sess. 1818, no. 16. Act 4 Geo. IV. chap. 97. Act 1 Will. IV. chap. 69. §§ 30-41. Act 6 and 7 Will. IV. chap. 41.)

'Carta constitutionis Commissariorum Edinburgi,' 8. Feb. 1564.

[1] See it printed in Sir J. Balfour's Practicks, pp. 670-673. It was held to be confirmed by the Parliament of December 1567.—(Act. Parl. Scot. vol. iii. pp. 33, 41. Dirleton's Doubts, p. 33. Sir G. Mackenzie, Observ. on 20 Parl. King James VI. chap. vi.; Works, vol. i. p. 366.)

Compare Act. Parl. Scot. vol. iii. p. 574: 'Considdering that the jurisdictioun ecclesiasticall belanging to the Officiallis of auld is and wes di-

head of tho tribunal;[1] and tho rules which he framed for its procedure—the first declarod that its language should no longer be Latin—seem to show that he exerted himself not unsuccessfully to reform the abuses so long complained of in the old Consistorial courts.[2]

Attempted restoration of the Primate to his jurisdictions, and discharge of the Commissaries from their offices, in the diocese of St. Andrews, 23. Dec. 1566.

The new Commissaries were in the full discharge of their duties, when the Queen, by a writ under her sign-manual, suddenly restored the Archbishop of St. Andrews, Primate and Legate of Scotland, to his ancient jurisdictions upon both banks of the Forth, and prohibited the Commissaries from any further exercise of their office within his diocese.[3] At the hoad of moro than a hundred horsemon, he hastened to Edinburgh, to inaugurate the revival of his Consistory for the archdeaconry of

noluit in the Commissaris chosin and nominat be Our Souerane Lordis darrest mother to that effect . . . declaring the said iurisdictioun to be als ample of the same force and auctoritie with the iurisdictioun of the saidis Officiallis to quhome thai succedit,' etc.

First Commissaries of Edinburgh.

[1] Sir James Balfour's colleagues—Dr. Edward Henryson, Clement Little, and Robert Maitland—were, like himself, men of learning and mark. Henryson, who had taught civil law at Bourges, and Maitland, who became Dean of Aberdeen, rose to the bench of the Supreme Civil Court. Little took an active part in the foundation of the University of Edinburgh, and was one of the earliest benefactors of its library. Balfour, it may be added, had a salary of 400 merks, the other Commissaries had salaries of 300 merks each.—(Reg. Sec. Sig. vol. xxxii. fol. 79. MS. Reg. House.)

Instructions to the Commissaries, framed by Sir James Balfour, 22. Mar. 1564.

[2] The 'Instructiounis gevin to the Commissarie of Edinburgh, subscrivit be Our Soverane Lady at Edinburgh, tho 12th day of March 1563[-4], and of her regno the xxij. yeir,' are printed in Sir J. Balfour's Practicks, pp. 655-662.

In Habbakuk Bisset's unprinted collection, they appear with a rubric which showe by whom they were written: 'Followis the Erectione and Instructionis of the Commissariattis foirsaidie; Quhilkie war mad and formed be vmquhill Mr. James Balfoure, persono of Flisk and Officiall of Lowthiane, thaireftir called Sir James Balfoure of Pettindreich, knycht, President of the College of Justice, and Clerk of Register for the tyme, etc., at Edinburgh the xxij. dayo of Merche, the yeir of God one thowsand fywe hundreth threscoir thrie yeiris; Gevin to the Commissars of Edinburght and vtheris inferiouris.' At the end, we have this note: 'Subscryved be Our Souerane Ladie his Majestie that now regnnes his darrest guidame, Marie be the grace of God Quene of Scottis for the tyme, at Edinburgh the xxij. day of Merche, 1563[-4]. Item the foure Commissaris of Edinburgh the day foirsaid subscryved lykewyis the foirsaid Instructionis befoir set doun to be deliuered to all Inferiour Commissarie within this realme, so far as concerned thair pairt thereof. *Sic subscribitur.* Ja: Balfoure. Clement Lytill. Edwarde Henrysone. Ro: Maitland.'—(Rolment of Courts, book ii. foll. 221-227. MS. Adv. Lib. (25. 5. 4); foll. 121-127. MS. Mr. George Dundas.)

'Further Instructiounis' made by the Lords of Council and Session, on the 26th March 1567, in virtue of a writ from the King and Queen, under the quarter seal on tho 21st December 1566, are printed in Sir J. Balfour's Practicks, pp. 662-664.

Further instructions to the Commissaries by the Lords of Session, 26. Mar. 1567.

[3] 'Ane lettre maid restoring and reponing Oure Soueranis weilbelouit and traist counsalour Johnne Archibischop of Sanctandrois, Primat and Legat of Scotland, to all and sindrie his jurisdictionis alsweill vpoun the south as north sydis of the watter of Forth within the diocie of Sanctandrois, quhilk pertenit to tho Archibischoprik of the samin, to be vsit be him and his Commissaris in all tymes cuming in the samin maner and forme of iustice as it is now vsit with all and sindrie commoditeis vsit and wount perteining thairto: Dischairgeing

Letter by King Henry and Queen Mary, restoring the Archbishop of St. Andrews to his jurisdictions, and discharging the Commissaries from their offices, in the diocese of St. Andrews, 23. Dec. 1566.

Lothian. But the Reformed had taken alarm. Before the Queen's writ was four days old, a remonstrance against it, breathing the characteristic vehemence of Knox, had been addressed to the Privy Council by the General Assembly of the Kirk ;[1] and now the Earl of Murray interposed,

Attempted restoration of the Primate's jurisdictions: it is opposed, Dec. 1566. Jan. 1567.

be thir presentis all vtheris Commissaris clerkis and vthiris officiaris quhatsumeuir now establischit thairintill of thair offices forder in that pairt: With power to thair said traist counsalour Johnne Archibischop of Sanctandrois to cheis Commissaris clerkis and vthiris officiaris throwcht all his saidis jurisdictionis to minister iustice thairintill, and to conferme all and sindrie testamentis be him self and his deputis in the samin maner and forme as thai ar vsit at this present, and siclike that all testamentis within this realme aboue fiftie pundis money be confirmit in all tymes cuming be him and his Commissaris, siclike as thai war and ar confermit be the Commissaris now present, and generallie that he vse all and sindrie his iurisdictionis donationis of beneficees and priuilegis like as he or ony his predecessouris hes vsit of befoir in all maner of soirtis: Provyding all weyis that the Lordis of thair Sessioun be thankfullie payit of samekile of the reddiest of the cottis of the saidis testamentis as salcum to thair said traist counsalouris pairt *pro rata* yeirlie of the sowme of ane thousand sex hundreth pundis quhilk thai haue grantit of befoir to the saidis Lordis of Sessioun, to be tane of the reddiest of the cottis of testamentis of the haill dioceis of Scotland, nochtwithstanding ony act or gift gevin be thair Hienes in ony tyme bipast in the contrar: Chairgeing aleua the Lordis of Sessioun to gif lettres for fulfilling and obeying of this thair present will and restauratioun in dew forme as effeiris etc. At Striuiling the xxiij. day of December the yeir of God j^m v^c lxvj. yeiris. *Per signeturam.*'—(Reg. Sec. Sig. vol. xxxv. fol. 99. MS. Reg. House.)

'The King and Quenes writting direct to the Lordis [of Council and Session] for chesing of the haill Commissaris within this realm, and their officeris and scribes.' 21. Dec. 1566.

Two days before this writ received the Queen's signature, a writ passed the quarter seal declaring that henceforth no person should be appointed a Commissary, or an officer in any Commissary's court, unless he were presented to the Sovereign as found duly qualified by the Chancellor, President, and Lords of Council and Session, who were further empowered to annul all grants made by the Crown in prejudice of the original erection of the Commissaries.—(Books of Sederunt of the Lords of Council and Session, 7. Jan. 1566-7. vol. ii. fol. 150. MS. Reg. House.)

Petition of the General Assembly of the Kirk to the Privy Council, against the restoration of the Archbishop of St. Andrews to his jurisdictions. 27. Dec. 1566.

[1] 'Ordaines ane humble supplicatioun to be made to the Lords of Secret Counsell, anent the commission of jurisdictioun supponit grantit to the Bischop of St. Androes, to the effect that ther honours stay the same, in respect that these causes for the maist pairt judgeit be his usurpit authoritie pertaines to the true Kirk; and howbeit that for hope of good things the Kirk oversaw the Queens Majesties comissioun givin therintill to sick men [*i.e.* the Commissaries] who for the most part was our brethren, yet can the Kirk no weyes be content that the Bischop of St. Androes, ane comoun enemy to Chryst, use that jurisdictioun . . . The said supplicatioun followes . . . We . . . complaines unto your honours . . . that that conjured enemie of Jesus Chryst and cruell murtherer of our brethren, most falslie stylit Archbischop of St. Androes, is repouit and restoreit, be signatur past, to his former tiranie; for not only are his ancient jurisdictiouns (as they are termit) of the haill bishoprick of St. Androes grantit unto him, but also the executioun of judgement, confirmation of testaments, and donation of his benefices, as more amplie in his signatur is exprest. If this be not to cure the head of that venemous beast, whilk once within this realme, be the potent hand of God, was so banished and brockin downe, and be curing it wold not hurt the faithfull, judge ye. His ancient jurisdictioun was, that he with certaine his collegues collaterals, might have dampnit of heresie as it pleasit him, and then to take all that were suspect of heresie. What thay have judged to be heresie heirtofoir, ye cannot be ignorant; and whether they remaine in ther former malice or not, ther plots and travells oppinly declares . . . Our Queine belyke is not well informit; scho aucht not, nor may not justly break the lawes; and so consequentlie, scho may not sett up against us, nor without our consent, that Romane Antichryst againe: For in ane lawfull and most frie parliament that ever was in this realme before, was that odious beast depryvit of jurisdictioun,

Attempted restoration of the Primate's jurisdictions: it is abandoned, Jan. 1567.

the burghers of the capital began to stir.[1] The Archbishop bent before the rising storm. The formal opening of his Consistory, the public exercise of his restored prerogative, was postponed or abandoned; the rival judicatories of the Reformed Commissaries were left unmolested; and the only use which he is known to have made of his recovered power was to carry through, with scandalous haste, the scandalous divorce which removed the last obstacle to Mary's marriage with Bothwell.[2] The belief

office, and auctoritie within this realme.'—(Book Univ. Kirk Scot. vol. i. pp. 88-90.)

[1] 'At the same time [December 1566], the Bishop of Saint Andrews, by means of the Earl Bothwell, procured a writing from the Queen's Majesty, to be obeyed within the diocese of his jurisdiction, in all such causes as before in time of Popery were used in the Consistory, and therefore to discharge the new Commiss[a]rs; and for the same purpose came to Edinburgh in January, having a company of one hundred horses or more, intending to take possession, according to his gift lately obtained. The Provest being advertised thereof by the Earl of Murray, they sent to the Bishop three or four of the councell, desiring him to desist from the said matter, for fear of trouble and sedition that might rise thereupon; whereby he was persuaded to desist at that time.'—(Fifth Book or Supplement of Knox's Hist. of Reformat. vol. ii. pp. 548, 549.)

The Earl of Bedford wrote to Cecil, from Berwick-on-Tweed, on the 9th of January 1566-7, that 'the Bishop of Saint Andrewes, had of late obteyned at the Queenes hand aothoritie to use a certaine jurisdiction in dyvers cases according to the Canon Lawes, and meant therefore to have erected his courte in Edinboroughe, which by cause it was founde to be so contrary to religion, and therefore not liked of the townesmen, at the soyte of my Lord of Murrey, the Quene was pleased to revoke that which she had before graunted to the said Bisshop.'—(Original in the Public Record Office at London, State Pap. Scot. Queen Eliz. vol. xiii. no. 3.)

Divorce of the Countess Bothwell, in the Primate's court, at the instance of the Earl, on the ground of nullity of their marriage, by reason of their being of kin within the forbidden degrees, 3-7. May 1567.

[2] On Sunday, the 27th of April, the Archbishop issues his commission to Robert Crichton, bishop of Dunkeld; William Chisholm, bishop of Dunblane; Mr. Archibald Crawford, parson of Eglesham, canon of Glasgow; Mr. John Manderston, rector of Bolton, canon of the collegiate church of Dunbar; Mr. Alexander Crichton, canon, and Mr. George Cook, chancellor of Dunkeld.

On Saturday, the 3d of May, Mr. Thomas Hepburn, parson of Auldhamstocks, proctor for the Earl Bothwell, presents the commission to two of the judges delegate named in it, Crawford and Manderston. They accept the delegation, and issue a precept to the Rural Dean of Haddington, to the vicar or the curate of the parish church of Crichton, to cite the Countess to appear before them in St. Giles' church at Edinburgh on Monday the 5th of May, along with five witnesses, Alexander Gordon, Bishop of Galloway, her uncle; Sir John Bellenden, the Justice-Clerk; Robert Crichton of Elliock, the Queen's advocate; Mr. David Chalmers, provost of the collegiate church of Crichton, chancellor of Ross; Michael, commendator of Melrose.

On Monday, the 5th of May, Manderston, the only judge delegate who appeared, receives the evidence of such witnesses as were produced, when Bothwell's proctor declares his case closed.

On Tuesday, the 6th of May, the proctor for the Countess, as a matter of form, objects generally to the evidence led, renouncing all further defence—'objecit objectiones juris generaliter contra producta, insuper renunciavit ulteriori defensioni.'

On Wednesday, the 7th of May, Manderston, as judge delegate, pronounces sentence, declaring the nullity of the marriage from the beginning, in respect that the parties were within the forbidden degrees of consanguinity.

In the Articles given in by the Earl of Murray to Queen Elizabeth's Commissioners, at Westminster, on the 6th of December 1568, it is affirmed that Manderston 'the pure man nominat juge' was 'diuers tymes minascit of his liff.' It appears elsewhere that a notarial instrument was taken 'proving the said Mr. John Manderston to have

that he had helped to remove another obstacle to these infamous nuptials —that he had been privy to the King's murder—contributed, three years

been constrained to lead the said process of divorce.' —(Account of the Divorce between the Earl Bothwell and his wife, in Principal Robertson's Hist. of Scot. app. no. xx.; Works, vol. ii. pp. 345-347. Hopetoun MS. Wodrow's Biogr. Collect. vol. i. part ii. pp. 335, 336. Maitl. Club: 1834.) Cf. Anders. Collect. on Hist. of Queen Mary, vol. ii. p. 275; Abp. Spottiswoode's Hist. Ch. Scot. p. 202. edit. 1677; Bp. Keith's Hist. Ch. and State Scot. vol. i. pp. 572-575.

The Queen's instructions to her ambassador in France to represent that Bothwell's divorce of his Countess, in the Primate's court, left him free to marry again.

The vast importance to the Queen of the divorce thus obtained in the Primate's court, may be seen from her instructions to her envoy to the French court: 'In cais it salbe obiectit to you be the King, the Quene oure modir, oure vncle [*i.e.*, the Cardinal of Lorraine], or ony vther oure freindis, that oure present mariage can nocht be lauchfull, in respect that he quhome withall we ar presentlie joynit wes of befoir couplit to a wyff, ye sall reply and ansuer according to the verie treuth, That albeit he was befoir mareit, yit befoir oure mariage with him, the formar contract and band wes be the ordoure of law expressit in the Canonis ressauit and practizit in our realme, for lauchfull caus of consanguinitie and vtheris relevant, dissoluit, and the proces of diuorce ordourlie led; swa that we on the ane part, and he on the vther syde, being bayth fre, the mariage mycht lauchfullie and weill aneuch be accomplissit be tha lawis of this realme, as now at Goddis pleasour it is; quhairby the forsaid obiectioun or ony the lyke tendiog to this fyne, may be elydit and set by.'—(Reg. Sec. Conc.: Acta 1559-67. p. 160. MS. Reg. House. Anderson's Collect. on Hist. of Queen Mary, vol. i. pp. 100, 101.)

Divorce of the Earl Bothwell, in the court of the Commissaries of Edinburgh, at the instance of his Countess, for adultery, 29 Apr.-3. May 1567.

Four deys before the Protestant Bothwell sought and obtained a declaration of the nullity of his marriage in tha Roman Catholic Primate's court, he was divorced for adultery in the court of the Protestant Commissaries of Edinburgh, at the instance of his Roman Catholic Countess. It has been generally held that this last divorce, according to the new law, was to satisfy the Reformed, as the divorce in the Archbishop's court was unquestionably to satisfy the Queen and other followers of the old faith. But it has been pointed out that, according to the Reformed doctrine of that day, the divorced adulterer could not marry so long as the divorcing spouse was in life. See Mr. Riddell's Peer. and Consist. Law of Scot. vol. i. pp. 392-394, 433, 434, 437.

Was the marriage of Bothwell, a divorced adulterer, with Queen Mary, lawful, in the judgment of the Reformed Church of Scotland?

I may add that it was doubted whether divorced adulterers could marry again in any circumstances; and that, although the General Assembly finally hesitated to affirm that they could not, it had no hesitation in ordering the Superintendents to forbid ministers to celebrate such marriages, under pain of deposition: 'And farther, because diverse persons, alsweill women as men, who are separate for adultery, the partie offendand joynes themselves in mariage againe, contrair to the law of God, wherthrow great slanders and inconvenients followes; Ordaines the Superintendents to admonisch all ministers within their juridictiouns, that none joyne any partie separatit for adulterie in mariage, under paine of removeing from the ministrie.' This ordinance was made on the 27th of December 1566. The matter again came before the General Assembly on the 27th of June 1567, when the question was asked: 'Ane man being divorceit for adulterie, *queritur*, Quhether he may marie again lawfullie or not?' The Assembly answered: 'The Kirk will not resolve heirin schortlie, bot presentlie inhibites all ministers to meddle with any sick mariages, quhill full decision of the question.' Once more, in July 1569, the General Assembly petitioned the Regent 'that the question anent adulterers may be once decided, as well concerning the punishment of the adulterers, as quhither the adulterer shall be admitted to the benefite of marriage again or not.'—(Book Univ. Kirk Scot. vol. i. pp. 91, 98, 146, 171.) Compare the First Book of Discipline, in Knox's Hist. Reform. vol. ii. p. 248.

The Reformed Bishop of Orkney deposed for marrying Bothwell and Queen Mary, 30. Dec. 1567.

We know, indeed, that the Reformed minister who celebrated the marriage between the Queen and Bothwell, was unanimously deposed by the General Assembly, for 'marrying tha divorcit adulterer.'—(Aoders. Collect. on Hist. of Queen Mary, vol. ii. p. 283. Book Univ. Kirk Scot. vol. i. p. 114.)

Nullity of Bothwell's divorce of his Countess, in the Primate's court.

If, in tha opinion of the Reformed, Bothwell's divorce by the Commissaries left him incapacitated from marrying again, it would appear that, in the judgment of Roman Catholics, his divorce in the Primate's court should have been regarded as null and void. It proceeded on the ground of con-

Death of the Primate upon the gallows, 1. Apr. 1570.

afterwards, to the violent and ignominious death of the last Roman Catholic Primate of Scotland.

Synodal or Diocesan Statutes.

Thus far consideration has been had only of assemblies in which the bishops, prelates, and representatives of the clergy of the whole church deliberated. But besides these Provincial Councils, there were Diocesan Synods, in which every bishop met yearly with his prelates and clergy, and from time to time enacted ordinances for their rule and guidance. The same Lateran decree which appears to have led to Provincial Councils in Scotland, enjoined that the canons passed in such councils should be published in Episcopal Synods to be held yearly in every diocese.[1] And to this provision, it would seem, we owe the preservation of the

sanguinity; yet that consanguinity was not so near but that it might have been obviated by dispensation before marriage; and, in fact, it seems to have been so obviated. In the Articles given in by the Earl of Murray to Queen Elizabeth's Commissioners at Westminster, on the 6th of December 1568, the nullity of both divorces is set forth, 'that quhilk is groundit on adulterie vpoun his parte for lak of pruif and insufficiency of the witnes; the vther, for consanguinitie standing betuix him and his wiff, procedit onelie *becaus the dispensatioun wes abstracted.*'—(Hopetoun MS.: comp. Anders. Collect. on Hist. of Queen Mary, vol. ii. p. 34.) The dispensation thus said to have been suppressed, has not been heard of since; but the proof of consanguinity on which it proceeded still exists, in a notarial record of 'the suppputatioun and verificatioun of the degreis of consanguenitie, attening in dowbill ferdis of consanguenitie, *in the quhilkis dispensatioun passit* betwixt an noble and mychty lord James Hepburne, Erle Bodwell, Lord Crichtoun Halis and Liddisdail, Grete Admirall of the haill realme of Scotland etc. and ane nobill and mychty ladie Jane Gordone, sister germane to ane nobill and mychty lord George Erle of Huntlie, Lord Gordoun etc.' The witnesses examined were James Dunbar of Tarbat, Alexander Dunbar of Kilboyak, James Keith of Schelis, Monan Hog of Bleredryne. The proceedings were taken on the 21st of February 1565-6—that is three days before the solemnization of the marriage —in the chamber of the Commendator of Lundoris (John Lesley, afterwards Bishop of Ross), before the Primate's secretary—'in praesentia Magistri Alexandri Furrest, rectoris de Logymontrois, prothonotarii secretariique et datarii reverendissimi domini Domini Joannis Archiepiscopi Sancti Andreae, Legati etc.'—(Orig. in the archives at Hamilton, printed in Tytler's Vindicat. of Queen Mary, app. no. ii. pp. 25, 26. edit. 1767.) Cf. Miscell. Maitl. Club, vol. iv. p. 117.)

The dispensation must have been granted by the Archbishop in virtue of his commission as Legate with the power of a Legate a Latere of the Apostolic See. See above, p. clxxiv. note 1. It was, no doubt, destroyed before Bothwell's divorce. The preservation at Hamilton of the evidence on which it was granted, may be accounted for by the deep interest of the Hamiltons in possessing themselves of a writ which might help them to challenge the legitimacy of any issue of the marriage between Mary and Bothwell.

[1] 'Sicut olim a sanctis patribus noscitur institutum, Metropolitani singulis annis cum suis suffraganeis Provincialia non omittant Concilia celebrare . . . et quae statuerint, faciant observari, publicantes ea in Episcopalibus Synodis annuatim per singulas dioeceses celebrandis.'—(Conc. Lateran. IV. A.D. 1215. cap. vi., Labb. et Coss. Conc. t. xi. coll. 153, 156.)

earlier constitutions of the Scottish church. As they were to be read or promulgated in the Diocesan Synod, they were transcribed along with its statutes into the Register of the Bishopric, so little care being taken in some cases to distinguish between the two, that the Synodal canons of Aberdeen have hitherto been published as part of the Provincial canons of Scotland.[1]

Synodal Statutes of St. Andrews.

There is record of the Diocesan Synod of St. Andrews as early as the middle of the twelfth century.[2] But the oldest canons which can cer-

Provincial and Synodal Statutes confused.

[1] Yet Lord Hailes—struck by the expression, 'statutam a predecessore nostro editum' (stat. 74. p. 39)—remarked, 'this is probably a Synodical Canon established in some particular diocese, not e Canon established in a Provincial Council;' adding—probably with reference to the words 'per totam dyocesim' (stat. 69. p. 38); 'per dyocesim nostram' (stat. 71. p. 38)—'the same appears to be the case as to some of the preceding ones.'—(Can. of Ch. of Scot. p. 43. edit. 1769.)

The line of separation between the Provincial Canons of the Scottish Church and the Synodal Canons of Aberdeen, is sufficiently ascertained by a collation of the Register of the Bishopric of Aberdeen with the Lambeth MS., which was unknown in Lord Hailes' time.

The last of the Provincial Canons—'Quod absolutio excommunicationis non sit extorquenda per laicos'—is numbered 55 in thie volume, 54 in the editions of Wilkins, Lord Hailes, and Mr. Cosmo Innes.

The Synodal Statutes of Aberdeen begin with the canon 'De Sacramento Baptismi,' numbered 56 in the following sheets, 55 in the pages of Wilkins, Lord Hailes and Mr. Cosmo Innes.

Diocesan or Episcopal Synods of St. Andrews, A.D. 1150-1233.

[2] A.D. 1150. Robert, bishop of St. Andrews, confirmed the church of Ederham and township of Nisbet, granted the church of Swinton and the church of Fiswic, to the monks of St. Cuthbert of Durham, at the prayer and by counsel of the Priors of St. Andrews, Scone, Jedburgh, Holyrood, of the King's chaplain at Roxburgh, 'et multorum aliorum nobiscum residentium in Sinodo que sedit apud Berwic, viij. Kal. Nouembris, anno ab incarnatione Domini M°.C°.L°.' In the same Synod, the same Bishop granted another charter of the same churches to the same monks, 'sub testimonio tocius Synodi que sedit apud Berewic, octaua Kal. Novembris anno ab incarnatione Domini, M°.C°. qvinqvegesimo.'—(Dr. Raine's North Durham, app. p. 82. nn. cccexlix. cccel.)

A.D. 1140-1159. The same Bishop Robert granted the church of Carriden to the canons of Holyrood, by a charter witnessed by the Abbots of Dunfermline and Stirling (or Cambuskenneth), by the Prior of St. Andrews, by Samson and Alan, monks of Durham, by T. the Archdeacon, by Aiulf the Dean, by Geoffrey of Laswade, by Master Andrew, by Adam and Richard the Bishop's chaplains, by Geoffrey the clerk, by Peter of Stirling, and by the whole Synod, 'et plenaria Synodo.'—(Lib. Cart. S. Crucis, p. 10.)

A.D. 1165-1178. Richard, bishop of St. Andrews granted the churches of Berwick and Ercildonn to the monks of St. Cuthbert of Durham, by charter made and given 'in plena Sinodo nostra in ecclesia Sancti Cuthberti apud Edoneburk,' in presence of the Archdeacons of St. Andrews and Lothian, the Abbots of Dunfermline, Holyrood, Newbottle, Dryburgh, Aiulf the Dean, Patrick the Dean, Geoffrey of Laswade, Robert of Pert, Alexander the chaplain, Albin the chaplain, Geoffrey clerk of Tyninghame.'—(Dr. Raine's North Durham, app. pp. 83-85. nn. cccclv. cccclvi. cccclx. cccclxi.)

A.D. 1200. Roger, bishop of St. Andrews, ratified an agreement between himself and the monks of Durham, as to their churches in Lothian, in a Synod at Musselburgh.—(Ibid. app. p. 85. no. cccclxv.)

A.D. 1206. A question between the Bishop of St. Andrews and Duncan of Arbuthnott, as to the kirk town or church land of Arbuthnott, was decided in favour of the Bishop, after hearing witnesses, in a Synod at Perth attended by the Abbots

Synodal Statutes of St. Andrews.

tainly be ascribed to it, are a hundred years later.[1] They were enacted in a synod held at Musselburgh in the spring of 1242, by Bishop David

of Dunfermline, Arbroath, and Scone, the Priors of St. Andrews, May, and Restennet, and certain deans and clerks. See above, pp. xli. xlii.

A.D. 1202-1233. An agreement between the Cistercians of Cupar, and the church of Blair, was made in presence of Rannulph the archdeacon, of Laurence the official of St. Andrews, and of all the Synod at Perth.—(Mr. Stevenson's Illust. Scot. Hist. pp. 18, 19. Maitl. Club: 1834.)

The presence of the clergy, especially of the prelates, seems to have been jealously enforced. In 1310, the Bishop of St. Andrews ordered his Official of Lothian to cite the Prior of Durham, who had failed to appear in the Diocesan Synod at St. Andrews, to present himself before the Bishop in the conventual church of Holyrood at Edinburgh.—(Dr. Raine's North Durham, app. p. 90. no. cccclxxxix.)

Prelates, who were unable to attend in person, sent procurators to excuse their absence and to act for them. See two letters appointing such proxies, in the Appendix to the Preface, X. XII.

'The Seinye' or Diocesan Synod of St. Andrews held either in the Seinye House at St. Andrews, or in the Abbey Church of Holyrood at Edinburgh.

The Synod, or 'the Seinye'—as, like our French allies, we more commonly called it—seems after the beginning of the fourteenth century to have been usually held either at St. Andrews or at Edinburgh.

At St. Andrews, it met, at least in later times, in what was called 'the Senzie House, Senzie Hall, and Senzie Chamber;' and its meeting gave rise to a great fair, 'called the Senzie Mercat, held and kept for fifteen dayes, beginning the second week after Easter, whereunto resorted merchants from most of the then trading kingdomes in Europe, trade in this kingdome being then in its infancie.'—(Mart. Reliq. D. Andr. p. 188.)

When the Synod sat at Edinburgh, it assembled in the conventual church of Holyrood. See Appendix to the Preface, XXIV. XXV. The time of meeting was, as at St. Andrews, immediately after Easter. Thus Knox writes of Cardinal Beaton in 1546: 'After the Pasche he came to Edinburgh, to hold the Seinze, as the Papistes terme thare unhappy assembly of Baallis schaven sorte.'—(Hist. of Reform. vol. i. pp. 172, 173.)

[1] It may be doubted whether statutes 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 107, of the following pages, are Provincial or Synodal. If they are Synodal, their appearance in the Lambeth MS., and in that only, may be held sufficient ground for assigning them to St. Andrews.

It is scarcely doubtful that statutes 104, 105, 106 are Provincial.

Statute 108 may be set down as Synodal. It is, indeed, little more than a not too accurate copy of the following table of contents of the 'Constitutiones Roberti Lincolniensis Episcopi rectoribus ecclesiarum, vicariis, sacerdotibus parochialibus ejusdem dioecesis directae'—the famous Bishop Grosseteste's Synodal Statutes promulgated about the year 1238:

Synodal Statute of St. Andrews copied from the rubrics of the Synodal Statutes of Robert Grosseteste, bishop of Lincoln, A.D. 1234-53.

'Sciant decalogum, septem criminalia, septem sacramenta, simpliciter fidem. De honoratione Eucharistiae et custodia. Quod sacerdotes sint prompti ad infirmos visendos. Quod superaltaria sint honesta. Quod panni chrismales non convertantur in usus seculares. Quod verba in divinis integre proferantur cum mentis attentione. Quod intendant lectioni et orationi. Quod instruant subditos in Oratione Dominica et Symbolo. Quod sint continentes. Quod non sint uxorati. Quod non frequentent sanctimonialium monasteria sine rationabili causa. Quod non teneant in domibus suis mulieres, de quibus possit esse mali suspicio. Quod non sint ebriosi aut tabernas frequentantes. Quod non sint negotiatores aut usurarii. Quod non dent ad firmam vel recipiant ecclesias vel ecclesiastica, nisi in casibus concessis. Quod non sint vice comites vel justitiarii, vel teneant ballivas, unde obligentur laicis ad ratiocinia. Quod cum sacerdotibus non fiat pactio, ut possint recipere annualia vel tricennalia. Quod sacerdotes habeant rationabilem sustentationem. Quod laicis non dentur ad firmam liberae terrae ecclesiarum. Quod non aedificent de bonis ecclesiae in laico feodo, nec decimas reponant. Quod redditus assignati ad luminaria non convertantur in alios usus. Quod laici in die Paschae non simul offerant et communicent. Quod non intendant histrionibus, aut ludant ad aleas vel talos. Quod clerici arma non portent, sed habeant tonsuram habitui congruentem. Quod nullus habeat plures curas sine dispensatione. Quod filii proximo ministrantium dimittant beneficia sua. Quod sacramenta aut sacramentalia non vendantur. Quod sacerdotes

Constitutions of Bishop David of Bernhame, promulgated in his Diocesan Synod at Musselburgh, 5. May 1242.

of Bernhame,[1] of whose energetic rule we have another signal monument in the list, inscribed in his Pontificale, of a hundred and forty churches — there were not three hundred in all his diocese — consecrated by him in ten years.[2] His Synodal constitutions were long held in repute;[3] they were thought worthy of a place in the Great Register of the Priory of St. Andrews, now unhappily lost;[4] and, at the distance of more than a

ooo injongant poenitentias ex cupiditate. Quod diaconi non audiant confessiones ent sacramenta ministrent, solis sacerdotibus concessa. Quod ordinentur, secundum exigentiam suae curae. Quod faciant residentiam. Quod ecclesiae bonae habeant diaconos; minores vero habeant saltem honestos clericos. Quod mercata non sint in locis sacris. Quod coemiteria sint bene clausa, et ecclesiae et domus ecclesiarum aedificatae competenter, et ecclesiae ornatae et ornamenta, et vasa sacra rite custodiantur. Quod Festum Stultorum penitus tollatur. Quod non celebrent de aceto. Quod non audiant vel doceant leges seculares. Quod Canon Missae sit correctus. Quod ludi, in quibus decertatur pro bravio, prohibeantur, et scotales. Quod in locis sacris non sint ludi aut placita secularia. Quod parvuli non jaceant juxta matres vel nutrices. Quod clandestina matrimonia prohibeantur; et decertatio quis praeeat cum vexillis. Quod nullus teneat in hospitio suo concubinas clericorum. Quod laici non sint in cancello inter clericos dum celebrantur divina, nisi forte solus patronus. Quod excommunicationes Oxoniensis Concilii singulis annis innoventur.'—(Rev. H. R. Luard, Roberti Grosseteste Episcopi quondam Lincolniensis Epistolae, pp. 164-166.)

Statute 164 is probably Synodal. It is found only in the Ethy MS., and may therefore be assigned to St. Andrews.

Statutes 102, 103—mere transcripts from Gratian's Decretum—seem to be at once Provincial and Synodal, like statute 165, which expressly bears to be so.

[1] Pp. 53-63; stat. 109-139.

[2] Appendix to the Preface, XXXII.

List of one hundred and forty churches consecrated in the diocese of St. Andrews, by Bp. Bernhame, A.D. 1240-1249.

The list of churches consecrated by Bishop David of Bernhame, is written on a fly-leaf of his Pontificale, now in the Imperial Library at Paris (Fonds Latin, no. 1218). It is in a contemporary hand, somewhat later than the Pontificale, which seems to be of the beginning of the thirteenth century. The notice of British antiquaries was first called to this manuscript in 1858, by M. Leopold Delisle, author of the valuable 'Etudes sur la Condition de la Classe Agricole, et l'Etat de l'Agriculture en Normandie, au Moyen Age.'

I owe the transcript from which I have printed the catalogue to the kindness of the Bishop of Brechin.

Bishop David's episcopate extended from the twenty-second of January 1240 to the twenty-sixth of April 1253. He consecrated three churches in 1240; nine in 1241; forty in 1242; forty-nine in 1243; seventeen in 1244; six in 1245; four in 1246; five in 1247; three in 1248; three in 1249.

A note of a few of Bishop David's consecrations in the Reg. Priorat. S. Andr. p. 348, supplies the information that Linlithgow was dedicated to St. Michael; Ecclesgrig, to St. Cyric, martyr; Foulis, to St. Marnan, confessor; Scoonie, to St. Memma, or rather perhaps Meninna, virgin; Kilrymonth, to the Holy Trinity; Markinch, to St. John Baptist, and St. Modrust, confessor; Portmoak, to St. Stephen, martyr, and St. Moan, confessor; Lathrisk, to St. John Evangelist, and St. Athernisc, confessor; Rossinclerach, to St. Laurence, martyr, and St. Coman, confessor.

I must leave it to Mr. Thomas S. Muir of Leith—the indefatigable author of 'Characteristics of Old Church Architecture in Scotland'—to illustrate the roll of Bishop David's consecrations, by the existing remains of the churches which he consecrated.

[3] A.D. 1242. 'Hoc anno David de Bernhame episcopus Sancti Andreae tenuit Synodum suam apud Muskilburg, ubi multa laudabilia fecit statuta, scilicet die Lunae proxima post Inventionem Sanctae Crucis.'—(J. de Ford. Scotichron. lib. ix. cap. 58.)

[4] Reg. Priorat. S. Andr. p. xxvi. no. 19: 'Constitutiones Davidis Episcopi de regendo clero.'

century, their preamble was borrowed by the English Bishop of the Sudreys for the canons which he framed for his insular diocese.[1]

Synodal Statutes of St. Andrews, in the fourteenth century.

The next Synodal statutes of St. Andrews of which we have knowledge, show themselves to be of the fourteenth century.[2] But there are no grounds for determining the Bishop by whom they were promulgated. One of them is remarkable as laying the foundation, it would seem, of our parochial registers of burials, by enacting under sharp penalties that every rector or vicar shall report the name of every person of whatever condition or age dying within his parish, to the first Consistory[3] to be held after Easter, in the parish church of St. Andrews for the archdeaconry of St. Andrews, in the church of St. Giles at Edinburgh for the archdeaconry of Lothian.[4] Another canon requires every parish priest to have a seal circumscribed with his name, for the authentication of citations and other writs sent to him for execution.[5] This provision, it may be remarked, preceded by some years the act of the Scottish Parliament of 1401, ordaining that barons and freeholders should henceforth have proper seals, not such signets as they had been accustomed to use.[6]

Archbishop Forman's Synodal Constitutions and Ordinances, A.D. 1515-1521.

The brief but vigorous episcopate of Archbishop Forman was marked by a code of Synodal statutes[7] which are of peculiar value as shedding light on the condition of the church, at the beginning of the great movement which forty years later issued in the Reformation. Some of them—such as the rigorous canons against clandestine espousals, against the abuse of public espousals as a license for concubinage, against clandestine marriages[8]—may perhaps be thought to have a wider and more lasting interest as bearing on social or moral questions still in de-

[1] Monast. Anglican. vol. v. p. 255.

[2] Pp. 64-72; statutes 140-163.

[3] Pp. 70, 71; statute 161. See above, p. clii.

[4] P. 70, statute 159.

It appears that a part of St. Giles' church received the name of the Consistory Place.—(Reg. Cart. Eccl. S. Egidii de Edinb. pp. xcii. xciii. Reg. Episc. Glasg. vol. ii. pp. 484, 485.) Cf. Lib. Cart. S. Crucis, p. 81.

[5] Pp. 67, 279, 280.

[6] P. 280.

[7] Appendix to the Preface, XXIII.

[8] Appendix to the Preface, XXIII. statutes 10, 11.

Espousals or handfasting.

Espousals, however secret, if followed by sexual intercourse—'sponsalia per verba de futuro, carnali copula subsecuta'—might annul the subsequent marriage, however solemn, of either party, so long as the other was in life. — (Liber Officialis S. Andree, pp. xvi. 19, 63, 73, 75, 76. Mr.

bate. The ordinance requiring of the nine greater monasteries of the diocese, that each shall send two monks, of the four lesser monasteries, that each shall send one monk to the University, avows as one of its

Riddell's Peerage and Consistorial Law of Scotland, vol. i. pp. 470, 471, 492, 495.)

Synodal Statutes against clandestine espousals.

The church, therefore, as early as the thirteenth century, required that espousals should be made before a priest and three or four trustworthy witnesses. See below, the Synodal Statutes of Aberdeen, pp. 37, 42; the Synodal Statutes of St. Andrews, pp. 60, 68, 69.

Archbishop Forman's statute now ordered that clandestine esponsals—'ex quibus oriuntur perturbaciones et lites impedientes legittima matrimonia postea tam contracta quam contrahenda'—should be denounced under pain of excommunication, four times a year, in every church in his diocese.

Synodal Statute against sexual intercourse between persons espoused or handfasted, but not married, A.D. 1515-1521.

The same statute ordered like denunciations to be fulminated against those, many in number, who after espousal lived together as man and wife, without celebrating marriage in face of the church —'multi contra jura post sponsalia facta per verba de futuro, et ante matrimonium contractum et in facie ecclesie solemnizatum per verba de presenti, non verentur ad copulam carnalem accedere.'

This evil seems to have been only too widely spread. Thus, immediately after the Reformation, in November 1562, we have a declaration by the minister, elders, and deacons of the congregation of Christ within the burgh of Aberdeen, that 'syndrie and many within this tonn ar handfast, as thai call it, and maid promeis of mariage a lang space bygane, sum sevin yeir, sum sex yeir, sum langer, sum schorter, and as yit vill nocht mary and compleit that honorable band, nother for fear of God nor luff of thair party, bot lyis and continewis in manifest fornicatioun and huirdom.' This declaration was followed by two ordinances, one, 'that all sic personis as hes promeist mariage shall faythfully compleit the samen betuix this and Festeranis Evin [*i.e.* Shrove Tuesday] next cummis;' the other, 'that in tymis cuming, for eschewing of sic fornicatioun, na personis that promeisse mariage sall have carnall copulatioun togidder vntill the tyme thai compleit the band, and that cautioun be found that thai compleit the same,' within a certain period 'efter the promeis making, and thair bannis to be proclamit vpone the Sonday and na vderwais; and quha that makis promeis of mariage, lat it be befoir the minister or the clerk, to the effect thair names and day of their promeis may be putte in wryte.'—(Eccl. Rec. Aberd. p. 11.)

Handfasting or espousals forbidden by the Reformed Church, A.D. 1575.

It seemed thus as if, under another name, the ceremony of espousal was to be continued in the Reformed Kirk. But experience of the evils which flowed from it, or some other cause, led in no long time to its abandonment. It was ordained, at Aberdeen, in April 1568, 'that nether the minister nor reader be present at contractis of mariage making, as thai call thair handfastinis, nor mak na sic band . . . bot that the namis of the promissaris be gevin in to the reader, to proclame the bannis thairby, and that na money be tane thairfoir.'—(Eccl. Rec. Aberd. p. 14.) In the General Assembly of March 1570, the question was asked: 'Is it not expedient and necessar that an uniform order be observed in all kirks, in making promises of marriages, quhither they shall be made *per verba de futuro, vel verba de praesenti;* or should no promise be made till the solemnization?' The Assembly answered: 'Promise of marriage *per verba de futuro,* sall be made, according to the ordour of the Reformed Kirk, to the minister, exhorter, or reidar; takeand caution for abstinence till the marriage be solemnizit.' But the General Assembly soon changed its mind. In 1575 it ordered that 'parties to be maried sould come before the assemblie [*i.e.*, the particular assembly, or kirk session], and give in thair names, that thair bands may be proclaimit, and no farther ceremonies vsit.'—(Book of Univ. Kirk of Scot. vol. i. pp. 195, 196, 343.)

'Booking' or registration of the names of persons about to be married in the Reformed Church.

Henceforth, the only memorial of the ancient esponsals was the appearance of the parties before the kirk session, at least before its scribe or clerk; the entry of their names in his record; the finding of surety, that they should complete their promised marriage within a limited time; the deposit of pawns or pledges, or consignation of money, that in the meanwhile they should keep themselves chaste, and that there should be no excess at the wedding.—(Lib. Offic. S. Andr. p. xvi. Wodrow's Biogr. Collect. vol. ii. part ii. pp.

objects the necessity of offering more effectual resistance to heretics; but it adds at the same time that the requirement is only in conformity with laudable, approved, and ancient custom.[1] One statute reiterates the old injunction, that every curate shall present yearly to the Diocesan Synod a schedule of the names of all persons deceased within his parish.[2] To another canon we seem to owe the establishment of our Registers of Confirmed Testaments.[3]

Synodal Statutes of Cardinal Beaton, A.D. 1539-1546.

The Synodal statutes made by Cardinal Beaton have not been preserved, but we know the purport of two of them. One enforced payment of the Procurations and Synodals[4] due yearly to the Archbishop. The other had a more praiseworthy object—to secure to every curate a yearly stipend from his rector or vicar of ten pounds in money, or at the least twelve merks in money with toft, croft, and church land to the value of three merks more.[5]

Beaton's successor, the last Primate of the Scottish Church in the obedience of Rome, showed signal diligence in promulgating Provincial

32-35. Miscell. Maitl. Club, vol. i. pp. 65, 66, 69, 83, 132, 133, 430. Kirk Session Register of Kinglassie, 3. Aug. 1627, 13 Jul. 1628.)

In some places, the deposit of pledges—often in the north, a sword or a pistol for the man, a plaid for the woman—outlived the seventeenth century. The enrolment of the names—'the inbooking' or 'booking' as it was called—survived in remote districts to our own day, perhaps still survives.

[1] Appendix to the Preface, XXIII. statute 26.

[2] Appendix to the Preface, XXIII. statute 6.

[3] Appendix to the Preface, XXIII. statute 7.

Establishment of Registers of Confirmed Testaments, A.D. 1515.

The statute cannot be earlier than the year 1515, the date of Archbishop Forman's translation to St. Andrews.—(Spald. Club Miscell. vol. iv. pp. 16, 18, 19.) The Register of Confirmed Testaments for the archdeaconry of Lothian, the earliest of which we have any knowledge, seems to have begun about the same year. See below, p. 293.

The earliest Register of Confirmed Testaments in the diocese of St. Andrews, now in the Register House, shows that the distinction of testaments into two classes, greater and lesser, made by Archbishop Forman's statute, was still observed under Archbishop Hamilton.

[4] Appendix to the Preface, XXIX.

Procurations and Synodals.

The Procurations were payments in money made to the Bishop by the rectors of parish churches in place of the entertainment which they had to provide for him when he visited the churches in his diocese in person. The Synodals were payments in money made to the Bishop by the clergy of his diocese at the yearly Diocesan Synod about Easter.—(Dr. Reeves, Ecclesiastical Antiquities of Down, Connor, and Dromore, pp. 98-102. Reg. Episc. Aberd. vol. i. p. lxxvii. Theiner, Vet. Mon. Hib. et Scot. pp. 74, 75. Reg. de Dunferm. pp. 200-202. Dr. Raine's N. Durham, app. pp. 83, 85, 87-92.)

The Procurations ranged in the diocese of Murray from 20s. to 43s., in the diocese of Aberdeen from 13s. 4d. to 90s., from each church. The Synodals varied in the diocese of Murray from 1s. to 4s.; their range in the diocese of Aberdeen is not ascertained.—(Reg. Episc. Morav. pp. 363-366, 429. Reg. Episc. Aberd. vol. ii. pp. 55, 56.)

[5] Appendix to the Preface, XXVIII.

canons. But if, during his long and eventful episcopate, he issued any Synodal statutes, no trace of them has been left.

Synodal Statutes of Aberdeen, in the thirteenth century.

The Register of the Bishopric of Aberdeen preserves a code of Synodal canons of that diocese, which may safely be assigned to the thirteenth century.[1] They show that they were not all enacted at one time or by one Bishop.[2] It is scarcely less obvious that they borrowed largely from the Synodal statutes of English dioceses in the earlier years of the thirteenth century.[3] It may not be so apparent that the jurisdiction which some of them assert in matters since abandoned to the care of the secular magistrate, or left to individual responsibility, continued to be claimed and exercised by the Reformed church. Thus, in the reign of King James the Sixth, the Presbytery of Glasgow, the Kirk Sessions of Glasgow and Aberdeen,[4] are found taking the same care for the leper which was taken by the Diocesan Synod of Aberdeen in the reign of King Alexander the Third.[5] Thus, too, the right to forbid the practice of medicine by unqualified persons, which was assumed by the Diocesan Synod of Aberdeen[6] in the thirteenth, was assumed by the Presbytery of St. Andrews, the Presbytery and Kirk Session of Glasgow, in the seventeenth century.[7]

[1] Pp. 30-43.

[2] P. 39, stat. 74; p. 40, stat. 76.

[3] Pp. 268-273.

[4] Miscell. Maitl. Club, vol. i. p. 68. Wodrow's Biogr. Collect. vol. ii. part ii. pp. 40-42. Eccl. Rec. Aberd. pp. 20, 23, 34, 73, 74.

[5] See below, pp. 39, 272.

Leprosy: coadjutors appointed to leprous priests and chaplains.

Leprosy seems to have been so frequent among the Scottish clergy in the beginning of the sixteenth century, that the ecclesiastical style book was not thought complete without forms of writs appointing coadjutors to the leprous rector and the leprous chaplain: 'Coadiutoria capellano leproso per Ordinarium facta;' 'Coadiutoria alia rectori leproso per Ordinarium facta.'—(Form. Instr. Eccl. foll. 56, 57. MS. Univ. S. Andr.)

The preamble of the writ sets forth the Archbishop's knowledge of the malady—'quia nuper intelleximus quod Magister J. de K. rector parrochialis ecclesie de D. nostre diocesis, diuino judicio lepre morbo respersus, ac eiusdem macula vsque adeo infectus est, quod altari seruire non potest, nec sine magno scandalo sacerdotali fungi officio, aut eorum qui sani sunt ob populi abhominacionem ingredi ecclesias.' The coadjutor is taken bound to maintain the leper—'dicto egrotanti in vite corporalis necessariis ministrari.'

In 1469, Thomas Scot, a monk of Holywood, 'lepra tactus, et oculorum lumine privatus,' has license from Pope Pius II. to assume a coadjutor in the perpetual vicarage of Penpont, in the diocese of Glasgow.—(Theiner, Vet. Mon. Hib. et Scot. p. 460.)

Practice of medicine by unqualified persons, using charms, etc., forbidden by the Church.

[6] See below, pp. 43, 273: 'Prohibemus ne aliquis medicine ignarus sub pallio medicine potationes herbarum mortiferarum alicui conferat egrotanti, nec aliquid sortilegium faciat vel exerceat.'

[7] In 1598, the Kirk Session of Glasgow 'think it good that the University, ministers, and presbitry take cognition who are within the toun that

So, also, the admonitions of the Bishops of Aberdeen,[1] of the Bishop and the Archbishop of St. Andrews,[2] that neither the mother nor the nurse should sleep in the same bed with her infant, were renewed by the courts of the Reformed church, and enforced by decrees that all who overlaid their children should be debarred from the sacraments; should do penance in sackcloth, barefooted and bareheaded, in face of the congregation; should be punished with the punishment of adulterers.[3]

pretend to skill in medicine, that those who have skill may be retained, and others rejected.' In the following year they invoke the farther help of the Town Council. In 1615, they 'desire that the Bishop and Presbitry take some course with doctors of medicine that rashly give drinks to all women, without exception.' In 1599, they prohibit midwives from going to any unmarried woman, 'till first they signify the matter to some of the ministers, [if it be] in day light, or, if it be in the night time, that they take the oath of the woman afore they bear the bairn, who is the father of it, as they will be answerable to God and his kirk.' In 1606, they order 'that no midwife lay her hand on any unmarried woman, till first, in her greatest pain, she take her oath who is the bairn's father, under penalty of appearing before the congregation.'—(Wodrow's Biogr. Collect. vol. ii. part ii. pp. 68, 69, 76.)

In 1609, the Presbytery of Glasgow forbid Adam M'Kair, 'to go out of his parochin in ony tyme cuming to cure ony diseasis, or to take the cure of ony that cumis to him, in respect it is knowen that he hes na skill except he vse vnlauchfull meanes, as is suspectit.'—(Miscell. Maitl. Club, vol. i. p. 413.)

In 1616, the General Assembly which met at Aberdeen petition the King, 'that it wald please his Hienes to statute and ordaine that none heirafter be sufferit to vse and exercise the office of ane doctour of physick or apothecar, quhill first he have ane approbatioun from the Bishop of the dyocies, quher he maks his residence, of his conformitie in religioun; as lykewayes from the Vniversitie, quher he lernit and studied, of his qualificatioun and sufficiencie in the said art.'—(Book Univ. Kirk Scot. vol. iii. p. 1121.)

In 1643, the Presbytery of St. Andrews prohibited John Moreis, 'vnder paine of kirk censures,' from 'takeing vpon him to heale the cruelles [*i.e.* scrofula, Fr. *écrouelles*] by touching them, as the seventh sonne of a woman.'—(Min. of Presbyt. of St. Andrews and Cupar, p. 15. Abbotsf. Club: 1837.)

[1] See below, p. 31: 'Femine moueantur vt pueros suos caute alant et iuxta se de nocte non collocent [teneros] ne opprimentur, solos in domibus vbi ignis fuerit, vel solos iuxta aquam non relinquant; et hoc omnibus diebus Dominicis dicatur;' pp. 42, 273: 'Prohibemus ne matres aut nutrices teneros infantes in cubilibus secum collocare presumant, propter frequentiam emergentium periculorum.' Overlaying of infants, etc.

[2] See below, p. 52: 'Quod parvuli non jaceant juxta matres;' Appendix to the Preface, XXIII. statute 20: 'Ut paruulorum et innocentium oppressio que frequenter contingit caueatur, idcirco mandat idem Reuerendissimus Dominus Archiepiscopus parentibus et nutricibus eorundem paruulorum ne ipsi paruuli quoquomodo in lectis eorundem vsque ad biennium a natiuitate ipsorum ad minus recipiantur,' etc. etc.

[3] 'What ordour,' it is asked of the General Assembly in 1565; 'what ordour ought to be usit aganis sik as oppressis children?' The Assembly answer: 'As concerning punishment, the civile magistrate ought therein to discerne; as touching the slander, the persons ought to be secludit from participatioun of the sacraments, whill they have satisfied the Kirk as they salbe commandit.' In the General Assembly of 1568, it is enacted that 'as for oppressors of children, they are to be admonished by the Kirk to make publick repentance in sackcloth, barefooted and bareheaded, so oft as the particular Kirks shall appoint.'—(Book Univ. Kirk Scot. vol. i. pp. 75, 76, 125.)

In 1586, and again in 1589, the Kirk session of Glasgow, order 'smoorers (*i.e.* [smotherers, or] overlayers) of children, to be punished as adulterers.' In 1592, it is enacted 'that the smoorers of children make their repentance two Sundayes in sackcloath, standing at the kirk dore,

Synodal Statute of Aberdeen, establishing a Register of Notaries Public, A.D. 1540.

There is record of a Synodal statute of Aberdeen, made by Bishop William Stewart, in the year 1540, by which all the notaries in that diocese, except four, were suspended, and a register was ordered to be kept of the admission of all notaries found fit for exercise of the office.[1]

Synodal Statutes of Murray as to tithing wood-carriers, millers, etc., A.D. 1370.

We should perhaps regard as Synodal statutes of the diocese of Murray, two canons as to the tithes exigible from wood-carriers and millers, made in the year 1370. They bear to have been enacted by a general chapter in which the Bishop, Alexander Bar, presided, and the whole clergy of the diocese were present.[2]

I am not aware of the existence of Synodal statutes of any other Scottish diocese. Three codes of Synodal constitutions of the Sudreys

on a place on the eard.' Two years afterwards they are appointed to stand in 'the place above the pillar [*i.e.* the pillar or stool of repentance], beside the new bigged wall;' and 'sometimes the husband is made to appear as art and part in smooring the bairn.'—(Wodrow's Biogr. Collect. vol. ii. part ii. pp. 71, 72.) Cf. Miscell. Maitl. Club, vol. i. p. 411.

Synodal Statute of Aberdeen, suspending unqualified notaries, and establishing a register of notaries found qualified, 13. Apr. 1540.

[1] 'Registrum admissionis Notariorum infra diocesem Aberdonensem factum per Reuerendum in Christo patrem Dominum Willelmum Episcopum Aberdonensem quos vult de cetero fore legales et ad tabellionatus officium exercendum ydoneos et nullos alios infra dictam diocesem, prout statutum erat in Synodo tenta per eundem apud suam ecclesiam cathedralem Aberdonensem decimo tertio die mensis Aprilis anno Domini M.D.XL. In qua quidem Synodo suspensi erant omnes et singuli Notarij infra dictam diocesem commorantes ab exercitio officij Notariatus exceptis Magistris Johanne Gardyn rectore de Tyre, Magistro Willelmo Hay vicario de Mygvy, Johanne Gibsoun scriba Domini, et Laurentio Cheyn Curie Consistorialis Aberdonensis etiam scriba, duntaxat.'—(Reg. Episc. Aberd. vol. ii. p. 323.)

Synodal Statutes of Murray, regulating the tithes payable by wood-carriers having oxen and wains, by peat-leaders, by millers, etc., 6. Mar. 1370.

[2] '*Statutum de cariantibus.* Memorandum quod anno Domini millesimo ccc°. sexagesimo nono, die Mercurii in prima septimana Quadragesime, in ecclesia parochiali de Elgyn Moraviensis diocesis, in Capitulo Generali celebrato ibidem, presidente Domino Alexandro Dei gratia Episcopo Moraviensi, Waltero de Brennath officiali curie Moraviensis, Willelmo de Fores archidiacono, Willelmo Wys subdecano, et Willelmo de Spyny canonico ecclesie Moraviensis, Thoma priore de Pluscardyn, et Roberto priore de Urchard, ac toto clero diocesis Moraviensis presentibus et assidentibus, diffinitum fuit et receptum communiter ab omnibus pro statuto, Quod cariantes sive ducentes meremia de nemore, cum bobus et plaustris, solvant curato suo decimum denarium pro decima, tempore estivali quando boves herbas pascunt; in yeme vero quando boves pascunt foragium, solvent tricesimum denarium pro decima curato; nullis expensis aliis in alterutro casu subductis. Et ad cariantes petas vel consimilia, idem diffiniebatur extendendum.

'*Statutum de molendinariis.* Eodem die et anno et loco quo supra, diffinitum est quod molendinarii solvant decimam de molendino et de terra molendini solita assedari cum molendino; et curatus allocabit et subducet unum denarium et unum obolum de qualibet acra terre ordeacee, et unum denarium de qualibet acra terre avenatice.'—(Reg. Episc. Morav. pp. 167, 168.)

Diocesan Synod of Murray, A.D. 1226.

Andrew de Moravia, bishop of Murray, enlarged the number of prebends in the cathedral which he transferred from Spynie to Elgin, by a charter dated in his Synod—'in Synodo nostra'—held in the church of St. Giles at Elgin, on the 5th of May 1226. The charter was subscribed by

Synodal Constitutions of the Sudreys or the Isles, A.D. 1229-1356.

or the Isles are extant;[1] but they were enacted by Bishops who were suffragans of Drontheim,[2] for a diocese which although in part under the dominion of the Scottish King was not yet within the pale of the Scottish church.

Constitutions of Cathedral Churches.

The Constitutions of Cathedral Churches, the ordinances for the rule of their canons and vicars choral, are beyond the scope of this volume. Not many of them aro preserved; and of these, such as are before the fourteenth century appear—liko our earlier Provincial, still more like our earlier Synodal statutes—to have borrowed largely from England. Thus Glasgow and Dunkeld fashioned themselves after the model of Salisbury;[3] Murray sent to Lincoln for its pattern,[4] and apparently transmitted it with more or less change to Aberdeen[5] on one side, to Caithness[6] on the other.

Notice of the Manuscripts.

The Ethy Manuscript.

Of the Manuscripts in which the legislation of the Scottish Church has been preserved, the oldest is that which has received the name of Ethy, from the Forfarshire seat of the Earl of Northesk, where it was discovered about twenty years ago by the late Mr. James Dennistoun, known to Scottish antiquaries as the editor of the Chartulary of Lennox and the Coltness Collections, known to a wider circle as the author of

the bishop, the treasurer, the archdeacon, the subdean, the subchanter, three canons, two rural deans, one rector, two parsons, five vicars.—(Ibid. pp. 73-76.)

[1] The Synodal Statutes and Constitutions made by Bishop Symon, in 1229; the Synodal Constitotions made by Bishop Mark, in 1291-2; the additional Constitutions made by Bishop William Russell, in 1355-6.

They are printed in Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 664, 665; vol. ii. pp. 175-180; vol. iii. pp. 10-12; and in the Monast. Anglican. vol. v. pp. 252-256.

[2] Munch, Chron. Reg. Mann. et Insul. pp. 137-151 164-166, 186.

[3] Reg. Episc. Glasg. vol. i. pp. 166-176, 83, 84, 125, 126, 164, 165, 189, 190, 208, 209, 234, 235, 265-272, 298-300; vol. ii. pp. 319-321, 341-357, 394-396, 409-412, 443, 444, 449, 450, 455, 456, 470, 475-483, 490, 491, 520, 524, 540. Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 741, 742. A. Myln, Vit. Episc. Dunkeld. p. 9.

[4] Reg. Episc. Morav. pp. 40-58, 73-76, 90-98, 103-110, 115-119, 150-154, 213, 214, 216, 217, 255-272, 367, 371-374, 376, 377, 427-429. Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 532-539, 742, 743.

[5] Reg. Episc. Aberd. vol. ii. pp. 38-50, 57-121.

[6] Bannat. Miscell. vol. iii. pp. 12-14, 17-21.

wer ... gs who were ... under the ... Scottish

Constitu... the ordinary ... the ... beyond the ... vincial, ... largely ...

Statuta galn' Poitrant .

Canones generalium conciliorum a
tempore Constantini
ceperunt . quibus sancta
romana ecclesia fide catholica fu-
erit crescente . et in Niceno
quem memoriae martyres evangelicam et a-
postolicam . eandem tenuerunt et ecclesiam statu-
erunt . sicut dicit beatus Gregorius papa . quod sicut
sancta evangelii libros . iiii . sic . iiii . concilia
suscipere et venerari me fateor . Nicenum .
Constantinopolitanum . Ephesinum .
et Calcedonense . in quibus hereticae pravitatis
et fidei catholicae impugnatores confunde-
bantur . et religio christiana ad laudem dei . et om-
nium credentium salutem . solidum recepit
fundamentum . Sed quia mox post catholico-
rum principum promotione et regna salubriter
instituta sunt . et singulis annis provincialia
concilia ad decorem domus dei et sacram catho-
licam firmiter observandam . constitui celebrari
Quum mox felicis recordationis Honorius
papa . in ecclesia Scotiana consequenter adhibu-
it specialem sub hac forma . Honorius episcopus
servus servorum dei . et cetera

Auctoritate dei omnipotentis dei et
sacrorum canonum . et sacrosanctae roma-
nae ecclesiae . non placuit statuere esse . con-
cilium provinciale . more praedecessorum no-
strorum celebrandum . et laudabilem consuetudi-
nem observandam . unanimi assensu statutum
est et ordinatum . ut singulis annis singuli
episcopi abbates . ac priorum priores . et ceteri
solempniter . ad concilium celebrandum . ad certum
diem . per conservatorem concilii quem eligerent praefigendum
devote conveniant . ut per statuum sive
esse fuerit . loco concilio valeant pro necessita-
tibus divinis et ecclesiasticis commorari . et
convocata specialiter sancta generali . statum ecclesiasticum
secundum ad modum in celebrationem et placere

decreto formari . Si quis vero cum canonica praedictione
fuerit evocatus . in ecclesia sua procuratorem sufficientem substituat
non veniens ante praefixum . cum venire possit et noluit
arbitrium arbitrio concilii puniatur .

Statuimus et praecipimus . ut quilibet anno illud in provincialibus
conciliis episcopi et vicarii vel pallium intimatur et primo
concilio . Dicere vel pallium provinciale incipiendo
ab episcopo sancti Andreae . et cetera ut vi episcoporum asservatur . statutorum
concilii ordinem de consilio reliquorum qui concilio ad eam
sunt suo sumptibus ad officium ac manum . et notorio ecclesiae reclu-
sum aliquem statutum in eadem violaverit . puniat et ad
debitam satisfactionem . per ecclesiasticam censuram . sive iure exigente manifeste
fuerit compellat . De fide catholica

Statuimus sancti approbatione concilii . ut plani in no-
stris et minores fidei catholicae et apostolicam instituti-
onem teneant et diligentes . et utilius servetur . et at-
tentius fidem diligere instituant . monentes et inducen-
tes parochianos suos . ut ipsi libris vulgaribus fidem
exponant et ostendant fidem christianam observare .

Statuimus et precipimus etiam . De sacramentis observandis
sacramenta . cum devotione et reverentia . in fide ca-
tholica celebrentur sub ecclesiae forma . a salutiferis et sanctis
sive forma . sacramentis catholicae ecclesiae . et quia ad ecclesiam ille
sacramentum canonice qui ubi ecclesia easdem catholicae eodem
modo alique immutare . De ecclesiis edificandis

Statuimus etiam . ut ecclesiae . parrochiales priorum pro-
dictorum . per ipsos parochianos et cancella ear
per rectores de lapidibus construantur et picta . a techum-
et debitis ornamentis libris . vasis ornatibus et ad statum
debitum reformentur .

Item statuimus ut nulla ecclesia vel oratorium . sine dy-
ocesani consensu construatur . vel in ecclesiis sine ecclesiae conse-
crationis auctoritate divina officia aliquatenus celebren-
tur . Quia propterea sacros canones prohibentur . Et quia pro-
fecto statuta unum plene in multis locis minime
observatum est . statuimus ut quilibet vicarius ... ad
ecclesiam diligenter ... et ... sunt
quia firmiter ... observare ... et ... ipsi
autem ... constituta canonice sine expensis

De capellis non construendis

Memoirs of the Dukes of Urhino. It is unfortunately a mere fragment of what seems to have been a book of record of the Abbey of Arbroath. It contains only two leaves of vellum,[1] on which not quito thirty[2] of fifty or sixty Provincial canons, the code of the Scottish Church in the thirteenth century, are written in douhle columns, with ruhricated titles and colourod initials, in a fine uniform square hand, pronounced hy Mr. Cosmo Innes[3] to be not later than the reign of King Alexander the Third, which closed in the year 1286. The Club is indebted for its use to the liheral courtesy of Lord Northesk.

The Album Registrum Episcopatus Aberdonensis.

The manuscript next in antiquity and authority is the White Register of the Bishopric of Aherdeen, preserved in the Advocates' Library at Edinburgh.[4] It contains one hundred and eighty-eight leaves of vellum, written hy many different hands, at very different times. The fourteen leaves[5] which contain the code of Provincial statutes of the Scottish Church in the thirteenth century, and a code of Synodal statutes of Aherdeen of the same age, cannot be safely ascribed to an earlier date than the middle of the following century.[6] They are well and uniformly written, with ruhricated titles. The first publication of Scottish Canons was made from this manuscript, hy Archdeacon Wilkins, to whom a copy was communicated by Thomas Ruddiman. What Wilkins printed in 1737, was repuhlished hy Lord Hailes in 1769. The Register itself was edited by Mr. Cosmo Innes for the Spalding and Maitland Clubs in 1845.

[1] Ten and a half inches in length, seven and a half inches in breadth.

[2] The first leaf begins with the preamble, 'Canones generalium . . . Honorius episcopus seruus seruorum Dei etc.,' p. 9 of the text. It ends with the words 'Prouiso ut,' in the last clause of statute 6, 'De capellis non construendis,' p. 11 of the text.

The second leaf begins with statute 25, 'De testamentis et vltimis voluntatibus,' p. 18 of the text. It ends with the words 'ualeant ordinare' in the first clause of statute 51, 'Infrascripti excommunicandi sunt quater in anno,' pp. 26, 27 of the text.

Statute 164, 'De Reconciliatione Ecclesiae,' p. 73 of the text, is printed from another fragment of later date, also found at Ethy. The statute is in a hand of the fourteenth century.

[3] Reg. Vet. de Aberbroth. p. xxxiii.

[4] MSS. A. 1. 38.

It was acquired for the Library in the year 1704, having been previously in private hands. See above, p. xi.

[5] Foll. 25 b–38 a.

'Modus procedendi in Concilio Cleri Scoticani,' sec. XIV.

[6] The 'Modus procedendi in Concilio Cleri Scoticani,' printed at p. 4 of the text, is written (on fol. 25 b) in a hand different from the rest of the statutes, and apparently about fifty years later. Cf. T. Innes, De Synod. Vet. ap. Scot., Wilk. Conc. Mag. Brit. et Hib. t. i. p. xxx.

The Arbuthnott Missal.

The Form of Excommunication, in the language of the people, appointed to be read four times a year in the churches of the diocese of St. Andrews,[1] and a Latin list of the Festivals and Fasts ordered to be kept in the same diocese by Provincial and Synodal statute,[2] are preserved in a Missal transcribed for the church of St. Ternan at Arbuthnott in the Mearns, in the year 1492, by the vicar Sir James Sibbald.[3] It is a fairly written folio of two hundred and forty-six leaves of vellum, still in the original binding. Since the first of the following sheets passed through the press, this venerable service book has been edited by the Bishop of Brechin and the Reverend George Hay Forbes of Burntisland.[4]

The Lambeth Manuscript.

In the library of the Archbishop of Canterbury at Lambeth,[5] is a folio volume of two hundred and forty-eight leaves of paper, written in a good square uniform hand, of the early part of the sixteenth century. A collection of secular laws and statutes of Scotland[6] fills all but the last twelve leaves. These are occupied by the code of Provincial statutes of the Scottish Church in the thirteenth century; by two codes of Synodal statutes of St. Andrews, one of the thirteenth, another of the fourteenth century; and by about twenty canons, three of which seem to be Provincial, two to be Synodal, two to be both Provincial and Synodal, the rest scarcely supplying grounds to determine whether they are Provincial or Synodal.[7] The discovery of this important record of Scottish church legislation is due to Mr. Cosmo Innes; and the transcript from which it is now printed was collated partly by him, partly by the late

[1] Pp. 6-8, 257.

[2] Pp. 74-76, 281.

[3] Catal. Arch. Mus. Edinb. 1856, pp. 78-82.

[4] Liber Ecclesie Beati Terrenani de Arbuthnott: Missale secundum usum Sancti Andreae in Scotia. Burntisland: e prelo de Pitsligo. 1864.

[5] MSS. no. 167.

[6] They are described in the Act. Parl. Scot. vol. i. 'Notice of the Manuscripts,' p. xxviii.

[7] See above, pp. clxxxiv. clxxxv. note.

Fol. 237 of the Lambeth MS.—inscribed 'Incipiunt Statuta Ecclesiastica'—contains the canons from no. 87, 'De decimis vitulorum,' to no. 108, 'De vita et honestate clericorum,' pp. 44-52 of the text.

Foll. 237-242 contain the Provincial Canons of the thirteenth century, pp. 9-29 of the text.

Then follow, on foll. 243-246, the 'Constitutiones Davidis Episcopi de regendo Clero'—Bishop Bernhame's Synodal Statutes of 1242—pp. 53-63 of the text.

Lastly, on foll. 246-248, are the Synodal Statutes of St. Andrews of the fourteenth century, pp. 64-72 of the text.

learned Keeper of the Manuscripts at Lambeth, the Reverend S. R. Maitland, author of Essays on the Dark Ages, and other scholarly works. 'In making the collation,' Mr. Innes writes, 'I asked the assistance of the learned Librarian so often that I had to apologize for the trouble I gave. It is so embarrassing,' I said, 'to work on the manuscript of a scribe who knew nothing of his subject and not much of the language he wrote in.' 'Yes, that is troublesome,' said the sagacious old man, 'but when you have worked upon manuscripts as long as I have, and seen the constant perversions of the text, you will come to think that ignorance of his subject is not the worst fault that can be charged against a scribe.'

The St. Andrews Formulare.

The Formulare Instrumentorum Ecclesiasticorum, in the Library of the University of St. Andrews, contains the Synodal statutes of Archbishop Forman, between the years 1515 and 1521; the letters of Archbishop Beaton of St. Andrews, and of Archbishop Dunbar of Glasgow, convoking the General Provincial Council of Edinburgh in 1536; the letters of Cardinal Beaton summoning the General Convention of St. Andrews in 1543, and the General Provincial Council of St. Andrews in 1546; with a few other writs illustrating the procedure in Scottish Synods in the same age. It is a small quarto volume containing six hundred and thirty-five leaves of paper,[1] uniformly and neatly written in a hand of the middle of the sixteenth century. It is obviously the

Contents of the St. Andrews Formulare.

[1] This is exclusive of sixty-five leaves at the beginning, of which twenty-three are blank; one contains the 'Taxe ecclesiarum et monasteriorum regni Scotie de quibus consistorialiter disponi consueuit prout taxantur in Libris Camere Apostolice' (see above, pp. lxx. lxxi. note); two contain tables of 'Nomina Consanguinitatis' and 'Nomina Affinitatum;' eight contain the 'Antiqua Taxatio' of part of the rural deanery of the Merse, and of the rural deaneries of Fothrik, Fife, Gowrie, Angus, and the Mearns (see above, p. lxvi. note 1); and thirty-one contain an index to the volume, or as it is described, 'Registrum operis sequentis per literas Alphabeti, per quod faciliter quodlibet in hoc libro contentum reperiri possit.'

The heads of this index may serve to show the wide range of the writs engrossed in the Formulare:

'Absolutiones, aggrauatoria, assignationes, attornatus, admissiones, assedationes, et acceptationes; appellationes et apostoli, ac arresta, et additiones, ac admissiones, et arreptiones.

'Breuia, et bacchalariatus.

'Commissiones diuerse; constitutiones diuerse; constitutiones procuratorum; cassationes, consecrationes, coadiutorie, et concessiones; constitutiones procuratorum; concordie, contractus, conuentiones et compromissa, ac compulsoria; confirmationes et illarum additiones; cessiones, confessiones, et consensus pro erectionibus et alijs

compilation of a church lawyer at St. Andrews[1] during the thirty or forty years before the death of Cardinal Beaton. The industrious compiler seems to have transcribed everything which came in his way, until he accumulated more than six hundred writs to serve as styles in his practice. I have to offer my thanks to the Senatus Academicus for the ready liberality with which they granted me the use of this valuable record for the purposes of the present volume.

The Fragmentum Registri Statutorum Provincialium Ecclesiae Scoticanae, in Publicis Archivis Scotiae adservatum.

While it was passing through the press, I found, in the old binding of a book of record in the Register House, a leaf of what had obviously been the table of contents of a collection of Provincial Canons of the Scottish Church, extending to more than forty-three leaves of paper in small folio.[2] It is in a good hand of the middle of the sixteenth century. It begins abruptly with the rubrics of five statutes not known to be preserved;[3] then follow rubrics of fifty-six statutes of the General Provincial Council of Edinburgh in 1549,—the fragment ending as abruptly as it began.

faciendis; carte dinerse et infeodationes; collationes, et commende beneficiorum; citationes diuersarum formarum.

'Decreta, declarationes, deputationes, depositiones, donationes, et dationes; dispensationes, dimissoria, dimissiones, diligentie, et dimembrationes.

'Exonerationes, executiones, executorialia, excusationes, excommunicationes, extractiones, et emptiones; erectiones, electiones, et postulationes.

'Facultates, familiaritates, fidejussiones, et fructuum percipiendorum litere.

'Gradus.

'Inhibitiones, intimationes, insinuationes, institutiones, indulta, indulgentie, iniurie, inquisitiones, et instrumenta dinersa.

'Licentie, legalitates, legittimationes, locationes, questorum et alie littere ordinario dinerse.

'Monitoria, et mandata diuersa.

'Notariatus et nominationes.

'Obligationes et obedientie prelatorum.

'Processus dinersarum formarum; presentationes, precepta, passus, protestationes, pacta, prorogationes, permutationes, et prouisiones.

'Quittantie, et querele.

'Reuocationes, retornatus, renuntiationes, ratiffications, receptiones, rescriptiones, remissorie, relationes, responsiones, reuersiones, et reaggrauaciones; ac regressus, et terrarum resignationes.

'Sententie, supplicationes, subdelegationes, sequestrationes, substitutiones, et subscriptiones.

'Testimonialia, transumpta, testamenta, tituli, tollérantie, tutele, et treuge.

'Vniones, visitationes, et venditiones.'

[1] The contemporary inscription, 'Liber Caroli Watsoun notarii publici,' on fol. 620, and like inscriptions on other leaves, denote an early owner, if not perhaps the compiler, of the volume.

[2] Pp. 251-254.

About thirty leaves would seem to have been occupied by a copy of Boiamund's Tax Roll (see below, p. cciii.), and by statutes of Councils earlier than the General Provincial Council of 1549. Its canons, again, appear to have filled about twenty-five leaves.

[3] (i.) 'Ne similiter impediatur esculenta et poculenta habentibus venalia rectoribus et eorum seruitoribus vendere. Rubrics of missing Canons.

(ii.) De publicatione Bulle *In Cena Domini* quater in anno etc.

The Codex Baluzianus.

The only other record of the last three General Provincial Councils of Scotland, is a paper manuscript of the closing years of the seventeenth century, in the Imperial Library at Paris. Its existence was first made known to Scottish antiquaries by Thomas Innes, who wrote to Bishop Keith in the year 1735, that 'it belonged formerly to the late learned and famous Monsieur Baluzius, and is incorrectly enough transcribed from the old Scottish language [*l.* character], as having been done by some ordinary French scribe.'[1] Two years afterwards it was published by Archdeacon Wilkins from a copy communicated to him by Innes.[2] It is now printed from a very careful transcript, for which the Club is indebted to a distinguished antiquary, tidings of whose death I regret to receive as I revise this page,—M. Alexandre Teulet, of the French Archives, so well and favourably known in Scotland by his Papiers d'Etat relatifs à l'Histoire de l'Ecosse. The difficulties which the zeal and learning of this lamented scholar had to overcome, cannot be better described than in his own words: 'Lorsque je me suis mis à examiner le Ms. avec attention, j'ai reconnu, à mon grand regret, que loin d'être une copie de Baluze, comme je vous l'avais annoncé, c'était une transcription faite par un copiste profondément ignorant, qui a rempli le texte de mots barbares et de non sens, le tout entremêlé d'une ponctuation et de majuscules jetées comme au hazard, qui contribuent souvent à rendre les phrases inintelligibles, et, de plus, surchargé de corrections bonnes ou mauvaises, écrites de différentes mains et parfois très-difficiles à lire. Faire faire la transcription d'un pareil texte par un copiste, qui n'aurait pu que reproduire matériellement ce qu'il avait sous les yeux, c'eût été, je crois, employer un mauvais moyen, et arriver à un résultat qui vous aurait désespéré plus d'une fois. J'ai donc pris le parti de faire le travail

(iii.) De excommunicatis publice vitandis et per curatos notandis.

(iv.) Contra presbyteros postponentes literas ipsis presentatas executionj demandarj.

(v.) De modo procedendj contra impedientes executionem literarum Ordinariorum.'

The third of these lost canons is referred to in a statute of the General Provincial Council of 1552 (p. 132, statute 247 of the text) as the 'vetus statutum de excommunicatis vitandis.'

[1] Bp. Keith, Hist. of Ch. and State of Scot. vol. i. pp. cvii. cviii.

[2] Wilk. Conc. Mag. Brit. et Hib. vol. i. p. xxxiii; vol. iv. pp. 49-60, 69-73, 204-217.

moi-même et j'y ai mis tous mes soins. J'ai restitué une foule de passages, soit d'après les corrections indiquées, soit d'après mes propres idées ; mais comme je sais parfaitement l'incertitude qu'une restitution laisse toujours après elle, j'ai toujours eu grand soin de reproduire en marge, avec une scrupuleuse attention, la leçon primitive du Ms., lors même que cette leçon était d'une absurdité évidente. De cette manière vous serez toujours à même de contrôler la valeur de la restitution introduite dans le texte, et de la modifier tout comme si vous aviez le Ms. même sous les yeux. Je me suis aussi appliqué à rectifier et à completer la ponctuation, enfiu j'ai fait tout mon possible pour abréger votre travail et le rendre moins fastidieux. Toutefois, il vous reste encore beaucoup à faire, et votre patience sera plus d'uno fois mise à l'épreuve, car, malgré tous mes efforts, il reste encore bien des passages inintelligibles, et cela est d'autant plus fâcheux, que le document dans son ensemble est extrêmement intéressant.' Nothing is known of the original which Baluze set his scribe to copy. I hazard the conjecture that he found it among the papers which James Beaton, the last Roman Catholic Archbishop of Glasgow, deposited partly in the Scots College, partly in the monastery of the Carthusians at Paris.[1] We know that Baluze had access to these papers, and that in the year 1697 he transcribed, for the royal library of France, the Register of the Bishopric of Glasgow which Beaton carried with him in his flight from Scotland.[2]

Baluze's transcript of the Registrum Episcopatus Glasguensis, A.D. 1697.

[1] Letters from Mr. Thomas Innes to the University of Glasgow, A.D. 1738, in the Spald. Club Miscell. vol. ii. pp. 369, 374. Cf. Mackenzie's Lives of Scots Writers, vol. iii. pp. 464, 465.

It is noted in Baluze's transcript that the original writ, addressed by the Primate to the Archbishop of Glasgow for convoking the General Provincial Council of Edinburgh in 1559, was in the Scots College at Paris. See below, p. 222.

We learn elsewhere that in the same archives there were other documents regarding the same Council—the original writs issued for its convocation by the Archbishop of Glasgow, and by the Vicar-General of Gallowey ; e contemporary copy of the Articles of Reformation presented by certain lay nobles and barons to the Queen Regent, and by the Queen Regent remitted to the General Provincial Council.—(Wilk. Conc. Mag. Brit. et Hib. t. iv. pp. 206, 207. Bp. Keith, Hist. Ch. and State in Scot. vol. i. pp. cvii. cviii.)

[2] Carpentier enumerates among the 'Tabularia seu Chartularia Ecclesiarum, Monasteriorum,' etc., —employed by himself and his brethren of Saint Maur in editing and supplementing Ducange—the 'Chartularium Ecclesiae Glasguensis seu Glascoviensis in Scotia, a Baluzio ex veteri descriptum an. 1697. *Cod. Reg.* 5540.'—(Gloss. Nov. t. iv. p. lxxxxj. edit. 1766.)

It was Baluze who made Mr. Thomas Innes, of the Scots College at Paris, acquainted with the

The writ of the King of Scots, appointing commissioners to attend Provincial Councils on his behalf,[1] is, along with somo other writs touching church affairs,[2] engrossed in a collection of brieves in the Ayr Manuscript, an octavo volume containing eighty-three leaves of vellum, which was bonght at a bookstall in Ayr in the year 1824, and is now in the Register House. It is in a fine and uniform hand of the first half of the fourteenth century.[3] The Ayr Manuscript

I have taken a few other ecclesiastical brieves[4] from a similar collection in the Bute Manuscript, a folio volume of a hundred and sixty-six leaves of vellnm, written in a good hand but by a careless scribe, towards the end of the fourteenth century.[5] It is the property of the Marquess of Bute, and I have to acknowledge my obligations for his Lordship's courteous permission to make use of its contents for the present work. Unfortunately, on a search in the library at Mount Stuart, it was found to have been mislaid; but not long afterwards I had access to a transcript of the portion in which I was more immediately interested, made under the careful eye of the late Mr. Thomas Thomson, Deputy-Clerk Register of Scotland. The acquisition for the Register House of a considerable collection of the papers of this accurate and accomplished antiquary, is one of the smallest services which the Right Hononrable Sir William Gibson-Craig has rendered to the record literature of Scotland since his appointment to the office of Lord Clerk Register. The Bute Manuscript.

The Chartulary of the abbey of Rievaux preserves a letter from Pope Alexander the Third to the Bishops of Scotland, instructing them to set aside certain statutes of the Cardinal Legate Vivian Tomasi, by which the Cistercians were ordered to pay tithes of the lands which they farmed.[6] The volumo is in the British Museum;[7] it is a square octavo The Registrum Monasterii Rievallensis.

Chronicon Pictorum in the Colbertine MS. and with other ancient pieces regarding Scotland. —(T. Innes, Crit. Ess. vol. i. p. 106.)

[1] P. 239. [2] Pp. 238-241.

[3] See a description and facsimile of the Ayr Manuscript in the Act. Parl. Scot. vol. i. 'Notice of the Manuscripts,' pp. v-vii.

[4] Appendix to the Preface, L-IX.

[5] A description and facsimile of the Bute Manuscript are given in the Act. Parl. Scot, vol. i. 'Notice of the Manuscripts,' pp. vii-ix.

[6] Appendix to the Preface, XIV.

[7] Cotton. MS. Julius D. I.

containing a hundred and ninety-one leaves of vellum, well and uniformly written in a hand of the thirteenth century.[1]

The Canterbury Vetus Codex Canonum, or Statuta Synodorum.

The Canons of St. Adamnan[2] are preserved in one of the Cottonian Manuscripts which suffered so much from the fire at Ashhurnham House in 1731, that it was placed in the list of books 'lost, burned, or entirely spoiled,'[3] and so was left undescrihed in Mr. Planta's Catalogue in 1802.[4] It has since been skilfully repaired. It is the Vetus Codex Canonum so often quoted hy Ussher in his Discourse of the Religion anciently professed hy the Irish and British,[5]—the Statuta Synodorum to which Selden devotes a section of his History of Tythes.[6] The great English antiquary refers it to the reign of Aethelstan, who was chosen King in 925 and died in 941. It helonged to the monastery of St. Augustine at Canterhury.

Plan of editing.

Such are the sources from which the contents of the following sheets have been drawn. It remains only to say a few words as to the plan on which they have been cdited.

[1] Its contents are enumerated in the Monast. Anglican. vol. v. pp. 277-279.

[2] Pp. 229, 230, 310, 311.

[3] Rep. of Commit. of House of Commons on Cotton. Lib. 1732, p. 92. Reports from Committees of the House of Commons (15. voll.) 1715-1801., vol. i. p. 485.

[4] Fortunately in Dr. T. Smith's Catalogue, published in 1896, we have an account of the MS., before it suffered from the fire: 'Otho E. XIII. Statuta Synodorum, perantiquo charactere scripta, ex collectione, ut dicitur, nescio qua auctoritate, Theodori Archiepiscopi Cantuariensis. Praefigitur, post x. Praecepta, Epitome judicialium legum Mosaicarum; deinde Canones et Constitutiones Ecclesiasticae sub 67. titulis comprehensae. In primo folio *Liber S. August. Cantuar.* h. e. Monasterii S. Augustini. Reperi quendam Theodorum ter citatum. Inseritur Epistola, sive potius fabulosa narratio de VII. Dormientibus, qui in Epheso dormierunt. Occurrunt etiam Canones Adamanni; et e Synodo Romana sub Gregorio non pauca. Isidorus citatur saepe, ut et S. Patricius. Post sequuntur multi alii miscellanei Canones. Liber sane praeclarus et quantivis pretii.'

[5] Chapp. iii. iv. v. vi. x. xi.; Works, vol. iv. pp. 266, 276, 278, 294, 305-7, 350, 373.

[6] Chap. viii. sect. 5: 'In a volume that belonged to the abbey of S. Augustine's in Canterbury, titled Statuta Synodorum, written in a hand of about DCCCC. years after Christ, or somewhat more, one paragraph is *de decimis* . . . For other things Synodus Romana, Synodus Auraicensis, Narbonensis, and very often Synodus Hibernensis occur in it. The authors used by him that compiled it, are S. Augustin, S. Jerom, S. Gregory, and Isidore (which were in those middle times, the chief, almost the only fathers of the church that were read) and sometimes Gildas and S. Patrick, whence it may seem that it was collected by some Briton or Irishman, and certain canons of that abbot Adoman spoken of by Bede are annexed to it . . . The exact age of those Statuta Synodorum, appears not. But they were collected about King Athelstan's time; at least, then was the copy that remains of them written, as may be conjec-

The Text. The Text is given from a collation of all the known copies, and so much of it as rests upon the authority of two or more manuscripts, may, perhaps, be regarded as sufficiently ascertained. Unfortunately a large portion is preserved only in one, the Lambeth, or the Codex Baluzianus, both late in date, both the work of careless and ignorant transcribers. Many of their blunders are so obvious as to be of easy correction. The rectification of others is attended with some difficulty, nor is the editor confident that his emendation is always the right one. There are passages, again, so wholly corrupt that he is unable to suggest any feasible restoration.[1] These, therefore, he has printed as they were found, leaving them to better judgment, and to the hope of correction from the discovery of other copies.[2] In every instance where he has departed from a manuscript, he has distinguished his alterations or additions by placing them within brackets.

Various Readings. In order that the reader, having possession of the materials from which the Text has been adjusted, may be able to judge for himself as to its meaning and construction, the readings of the several manuscripts, where these vary either from one another or from the text, have been collected, and placed beside the readings adopted in the text,[3] in such a

tured alone, if other reasons failed, from the similitude betwixt the character found in them and that of the text of the Holy Evangelists, which King Athelstan caused to be fairly written, and consecrated to S. Cuthbert. That text with those Statuta, are both yet preserved from the injury of time, amoog those inestimable monuments of that noble knight, Sir Robert Cotton.'—(Selden's Works, vol. iii. coll. 1185, 1186.)

Compare the description (above, pp. xvi. xvii. note) of the Bigot MS. at Rouen (afterwards in the Royal Library of France, no. 3665), from which St. Adamnan's Canons were first printed by Martene and Durand in their Thes. Nov. Anecd. t. iv. coll. 18, 19, 11.

[1] *E.g.* statutes 88, 92, 93, 95, 97, 135, pp. 44-47, 62.

[2] 'Though divers copies . . . were examined in preparing this, yet could not a perfect one be extracted from them all. As one helped another, choice was so made that this might be the best; which yet is not without many faulty passages. So faithfully is it published from the MSS. that even the false language, which by consent of old copies, appeared not to be the transcribers', but proceeded from the age's either negligence or ignorance, is religiously retained. So should the lost monuments of antient writers be given to the publick; so should we abstain from wronging their *manes*. Some places, that the erring hands of such as antiently copied . . . corrupted, are . . . either by conjecture restored . . . or . . . left to better judgement.'—(Seld. Pref. to Notes on Sir J. Fortescue De Laud. Leg. Angl. and Sir R. de Hengham's Summae, Works, vol. iii. col. 1884.)

[3] Pp. 181-225.

way, it is hoped, as to admit of ready comparison. Where any doubt or difficulty may suggest itself to the reader, he is requested, before acquiescing in the printed text, to satisfy himself of the authority on which it rests by an examination of the Various Readings.

Tabula Chronologica.

It is desirable also that reference should be made to the Chronological Table, which, besides marking the dates of the statutes so far as they can be ascertained, has been made to serve for denoting the sources from which each statute is printed, and for distinguishing its character, Provincial or Synodal, not always distinguished in the text, or in the manuscripts from which the text has been derived.

Appendix

A few documents, illustrative of the legislation or the condition of the Scottish Church have been brought together in the Appendix.[1] Most of them—such as the Canons of St. Adamnan,[2] the Synod of North Britain,[3] the brieves of the Scottish Chancery in matters ecclesiastical,[4] the letters of King James the First to the Council of Basle,[5] the letters of Queen Mary to the Council of Trent[6]—have already been adverted to in the course of these, I fear, too prolix remarks. Of the others, the judgments in Scottish causes recorded in the Decretals,[7] fill only a few pages, and seem indispensable to a collection of Scottish Canons. Nor, although already printed by Lord Hailes,[8] and more accurately by Mr. Cosmo Innes,[9] would it have been pardonable to omit a writ so interesting and instructive as the bull of Pope Innocent the Fourth,[10] in the year 1251, commissioning the great reforming prelate, Robert Grosseteste of Lincoln and other two English bishops, to hear and redress the grievances of the Scottish Church.

Appendix to the Preface.

The contents of the Appendix to the Preface are documents which came to my knowledge, for the most part, only after the rest of the work was printed. Such are the brieves regarding Church affairs, from the

1 Pp. 227-234.
2 Pp. xv. xvi. cc. 229, 230, 310, 311.
3 Pp. xvi.-xviii. 231.
4 Pp. cxcix. 238-241.
5 Pp. lxxxviii. xcvii.-c. 247, 248, 284.
6 Pp. clxvi-clxviii. 249, 250, 287.
7 Pp. 232-238.
8 Ann. Scotl. vol. i. pp. 163, 342-347. edit. 1776.
9 Reg. Episc. Morav. pp. 334-338.
10 Pp. 242-246.

Bute manuscript;[1] the rescript of Pope Alexander the Third to the Scottish Bishops, setting aside certain statutes of the Cardinal Legate Vivian Tomasi;[2] the lists of churches in the diocese of St. Andrews, consecrated by Bishop David of Bernhame, and by Bishop William Wishart;[3] the charter of King James the First, admitting the Bishop, prelates, and clergy of Galloway to the privileges enjoyed by the other bishops, prelates, and clergy of Scotland;[4] the Synodal statutes of Archbishop Forman of St. Andrews;[5] the letters of Archbishop James Beaton, and of Cardinal David Beaton of St. Andrews, and of Archbishop Dunbar of Glasgow, summoning the General Provincial Councils and General Conventions of 1536, 1543, and 1546.[6]

Fragment of Boiamund's Roll.

One document—a fragment of Boiamund's Tax Roll of Scottish Church Benefices[7]—was recovered only as the last sheets of the Preface were passing to the press. I found it in the old binding of a book of record in the Register House. It proves on examination to be a leaf, apparently the first, of the same collection of Scottish Canons of which I had previously found another leaf—containing rubrics of the General Provincial statutes of 1549[8]—also in the old binding of a Register House record. Both leaves are written in the same neat hand of the middle of the sixteenth century.

Letter from the Archbishop of Lyons to the Bishop of Glasgow, A.D. 1200-1202.

I have been tempted to reprint from Mabillon's Analecta, an interesting letter from the Archbishop of Lyons to William Malvoisin, bishop of Glasgow.[9] It seems to have been the first step towards the reform of an unseemly usage, by which in all questions between a Scot

[1] Appendix to the Preface, I.-IX.
[2] Appendix to the Preface, XIV.
[3] Appendix to the Preface, XXXII. XXXIII.
[4] Appendix to the Preface, XXXV.
[5] Appendix to the Preface, XXIII.
[6] Appendix to the Preface, XVI.-XXII.
[7] Appendix to the Preface, XXXIV.
[8] Pp. cxcvi. cxcvii. 251-254.
[9] Appendix to the Preface, XXX.
'Hujus epistolae,' says Mabillon, 'auctorem esse Johannem, eo nomine secundum, cognomento Ad-albas-manus, Lugdunensem Archiepiscopum, indubium est. Is ex Anglia in Galliam accedens, creatus primum Episcopus Pictavensis, dein ad sedem Narbonensem electus, cum Romam ejus rei gratia profectus esset, cooptatus in cathedram Lugdunensem, cujus jura acerrime vindicavit, ut patet ex hac epistola, cui succinit Johannis Saresberiensis epistola 182. ad eum scripta de servandis juribus ecclesiae suae. Demum is Claram-vallem secessit, ut legitur in fusiori Gallia Christiana, constatque ex hujus epistolae posterioribus verbis

The Prelates and Clergy, on both sides of Tweed, bound to wager of battle in all questions which the Border Laws left to trial by combat, A.D. 1200-1249.

and an Englishman referred by the Laws of the Marches to the arbitrament of single combat,[1] a bishop, abbot, or priest was compelled to fight in person like a layman. A few years afterwards the church of Glasgow, probably through the intercession of Malvoisin, who was then at Rome,[2] obtained a bull from Pope Innocent the Third, forbidding the practice under pain of excommunication.[3] But it was too inveterate to be readily abandoned, and at the end of twenty years we find the bishops and clergy of England petitioning the Cardinal Legate Otho for its suppression.[4]

The Notes.

I have ventured, not without hesitation, to add a few pages of Notes

quibus explicat rationem secessus sui . . . Quod attinet ad Episcopum, cui haec epistola inscribitur, decurtatum est ipsius nomen atque ejus sedis in Codice Fossatensi, in quo hanc epistolam inveni: sed videtur esse Glascuensis in Scotia Episcopus, qui ab Archiepiscopo Lugdunensi ordinatus fuerat sub annum MCXC. [*l.* 24. Sept. A.D. 1200.] quo tempore haec epistola scripta est.'—(Mabillonii Vet. Analect. pp. 478, 479. edit. 1723.)

A.D 1200. 'Eodem anno, 9 Kal. Oct., viz., die Sabbati Quatuor Temporum proximo ante festum S. Michaelis, Willelmus cognomento Maluaisin, Glascuensis ecclesie electus, ordinatus est in sacerdotem apud Lugdunum ab eiusdem ciuitatis Archiepiscopo; et in crastino ibidem, scilicet die Dominico, 8. Kal. Oct., consecratus est in Episcopum Glascuensem ab eodem Archiepiscopo per mandatum domini Innocentii Papae Tertii.'—(R. Hoved. Annal. pp. 796, 810.)

[1] 'Nullus de regno Anglie potest probare aliquem de regno Scocie nec econuerso per testes nisi tantummodo per probacionem corporis hominis.'—(Leges et Consuetudines Marchiarum, A.D. 1249, Act. Parl. Scot. vol. i. p. 86.*)

[2] Chron. de Mailros, pp. 121, 132.

[3] Appendix to the Preface, XXXI.

The Pope's prohibition was in the year 1216. Yet thirty years afterwards, the Laws of the Marches declare that, except the King of England, the King of Scotland, the Bishop of St. Andrews and the Bishop of Durham, every man in England, from Totness northward, every man in Scotland, from Caithness southward, must undergo wager of battle upon the Border when called upon: 'Omnes homines manentes infra Toteneys qui est in Anglia, Catenes qui est in Scocia, de iure secundum consuetudines dictorum regnorum possunt uocari ad Marchiam, ad bellum faciendum, exceptis propriis personis Regum regnorum, et Episcoporum Sancti Andree et Donelmensis.'—(Act. Parl. Scot. vol. i. p. 84.*)

Petition of the Bishops and Clergy of England to the Cardinal Legate Otho, that he would move the Kings of England and of Scotland to free them from wager of battle upon the Border, A.D. 1237.

[4] A.D. 1237. 'Isto anno petierunt Archiepiscopi, Episcopi, et Clerus, quod Dominus Legatus moneret, et si posset, ut induceret Dominum Regem, quod subscripta quae fiunt in regno Angliae in praejudicium libertatis ecclesiasticae, per Dominum Regem et ballivos suos corrigantur . . . Item, ex abusu obtento de voluntate et mandato Domin[orum] Reg[um] Angliae et Scotiae, non solum simplices clerici, sed et Abbates et Priores in dioecesi Karleoli, si appellati fuerint ab aliquo de regno Scotiae de re aliqua, et e converso, compellantur cum lanceis et gladiis alias inermes duellum, quod dicitur Acram, committere inter fores utriusque regni, ita videlicet quod Abbas vel Prior cujuscunque religionis et ordinis vel duellum personale [sustinebit], vel ligatus in loco duelli habens pugilem, si ejus pugil succumbat, ipso inter[fecto], ipse quoque Abbas vel Prior plectrum capitis similiter sustinebit; sicut nostris temporibus Prior de Lide legis tali conditione ligatus fuit ibidem. Moneatis igitur utrumque Regem, et ad praesens Dominum Regem Angliae, et tanquam Legatus utriusque regni, si necesse fuerit, compellatis, quod tam detestabilis abusio quoad personas ecclesiasticas non servetur.'—(Annal. Monast. Burton. pp. 254, 256, 257, in Mr. Luard's Annal. Monast. vol. i. Lond. 1864.)

The Scottish clergy must have felt it peculiarly galling to remain under a yoke from which Scottish

upon the text.[1] They make no pretension to explain all its obscurities, nor indeed to be complete in any way. As regards the earlier statutes, I have been content with the endeavour to indicate, so far as my reading enabled me, the sources from which they seem to be borrowed.[2] As regards the later statutes, I have attempted little more than to illustrate their acknowledgments of manifold abuse and grievous corruption in the church, from the literature and the records of the time.[3]

Incontinence of the clergy.

One great evil, it will be seen, the incontinence of the priesthood, stands confessed, deplored, condemned through all the three centuries of Scottish ecclesiastical legislation. Here, as elsewhere throughout Western Christendom,[4] every code of Provincial, every code of Synodal canons, calls, but calls in vain, upon the clergy to separate themselves from their 'concubines,' as they are styled[5]—their 'wives' rather as we may charitably hope that in most cases they should have been regarded, but for the law which forbade the churchman to marry.

Neglect by the Church of its duty of collation: benefices with cure of souls held by men not in orders, etc.

Another evil, less conspicuous but not perhaps less fatal, was the failure of the Church in the due exercise of its right of collation. Whatever may have been the causes—negligence, or corruption, or inability—the consequences are only too certain. At no time during the three hundred years which preceded the Reformation, does it appear that the Scottish Bishops succeeded in making orders an indispensable qualification for a

The burgesses of Inverness and of Murray relieved from wager of battle, A.D. 1189-99.

burgesses had already begun to be freed. King William the Lion granted to his burgesses of Inverness and to their heirs, that henceforth no one of them should have battle against another, nor should any other burgess nor any other man of the whole realm have battle against a burgess of Murray, nor against his heir, but should simply have his oath: 'Sciatis nos dedisse . . . burgensibus nostris de Inuernys et heredibus eorum, perpetuam libertatem quod nunquam inter eos bellum habebunt, nec aliquis alius burgensis, nec aliquis alius homo de toto regno nostro, super eosdem burgenses nostros de Moravia, nec super heredes eorum, bellum habebunt, nisi tantum juramentum.'—(Act. Parl. Scot. vol. i. pref. p. 79.)

[1] Pp. 255-311.

[2] Pp. 257-280, 311.

[3] Pp. 283-307.

[4] 'The historian must not shrink from the truth, however repulsive. Celibacy, which was the vital energy of the Clergy, was at the same time their fatal irremediable weakness. . . . The universal voice, which arraigns the state of morals, as regards sexual intercourse, among the clergy, is not that of their enemies only, it is their own. Century after century, we have heard throughout our history the eternal protest of the severer Churchmen, of Popes, of Legates, of Councils.'—(Dean Milman, Hist. Lat. Christ. book xiv. chap. i. vol. vi. p. 384. edit. 1855.)

[5] Statutes 18, 23, 54, 63, 82, 101-103, 108, 113, 114, 143, 171-174, 261, 262-264.

benefice. Synodal statutes in the thirteenth, Provincial statutes in the sixteenth century, alike confess that rectories and other offices of the Church were filled by men who had not even received the clerical character.[1] We know otherwise—it is acknowledged and bewailed with grief and indignation by the best champions of the Church in her conflict with the Reformers—that rich livings, with the cure of thousands of souls, were held by boys, by infants even, by men deformed in body, imbecile in mind, hardened in ignorance, old in wickedness and vice.[2]

Hereditary parsons.

Even in England, at the close of the twelfth century, it is on record that a parish church in Norfolk descended from father to son, from parson to parson, without any presentation.[3] It was still worse in Scotland, where in the diocese of Glasgow, in the same age, sons formally claimed their fathers' churches as of hereditary right, while the Pope, condemning the abuse, yet empowered the Bishop, by ignoring its existence, to sanction or to suffer its continuance.[3]

The Culdees of Kilrymonth or St. Andrews.

In the supreme office of at least one church in Scotland—long almost primatial, invested to the last with high dignity—it would seem that the right of spiritual collation never obtained at all.

The abbey founded at Mucross or Kilrymonth before the middle of the eighth century,[4] seems early in the tenth to have become the seat of

[1] Statutes 80, 108, 134, 137, 206, 271.

[2] Pp. 288-292, 296, 297, 300, 304, 305.

Children and other unqualified persons, appointed pastors in the Reformed Church of Scotland, A.D. 1560-92.

The evil did not cease with the Reformation. John Erskine of Dun, one of the Superintendents of the Reformed Church, writes in December 1571: 'The office of the ministerie is of God, appoyntit to the setting out of his glorie, and saluatione of the people. To put in office witious persones, hyrelingis, or men nocht qualifeit to discharge thair conscience, is to procure the dishonour of God, and damnatione of the people. . . . Bot miserable is the estait of this tyme, quhairin men, contemning all godlie counsall, will mak of bairnis, ignorantis, wngodlie, and witious personis, pastouris nocht onlie of ane kirk, bot of mony, for na respect is paid to the edificatione and proffeit of the people, bot to the rent and proffeit of the benefice. So far has this rwit of awerice spread, that it is enterit in the hairtis of a greit pairt of the nobilitie, quha aucht, according to their dewitie, menteine all godlie ordour. . . . Quhow can sic men sa schamefullie confes that thai ar memberis of the kirk, that sa manifestlie seikis the distructione of the kirk, and doun putting of the holie ministerie!'—(Miscell. Spald. Club, vol. iv. p. 99: cf. vol. v. pp. 60, 61, 63.)

[3] P. 277.

Compare Selden's History of Tythes, chap. xii. § iv.: 'Of hereditary succession in churches;' Works, vol. vi. coll. 1268, 1269. Canon Raine of York tells us that 'at Hexham, Whalley, and Bedlington, an hereditary sacerdotage obtained,' at the Conquest.—(Fast. Ebor. vol. i. pp. 28, 29.)

[4] The death of an abbot of Kilrymonth,—'mors Tuathalain abbatis Cind Righ Monaigh'—is recorded in the Annals of Tighernach, under A.D. 747.

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the 'Ardepscop Albain,' the High Bishop of the Scots.[1] But neither his presence, nor the persuasion that the monastery was hallowed by relics of an Apostle—the elder brother of the Prince of the Apostles, the first called of them all[2]—could save it from the decay and corruption of the conventual life of Britain in that age.[3] Almost everywhere, on both banks of the Forth, in Celtic Scotland, in Teutonic England, the old monastic discipline died out, the name of monk disappeared.[4] Many

[1] Anders. Diplomat. Scot., T. Ruddiman. praefat. pp. 10-19.

[2] 'Beati Andree, Apostolorum Principis germani, regni uostri Patroni.'—(Chart. of King James II. A.D. 1452, Reg. Mag. Sig. lib. ix. no. 41. MS. Reg. House.)

'Hic Andreas Apostolus Domini, frater Simonis Petri, in nativitate Petro prior, et vocatione primus; in ordine Apostolatus secundus aut certe tertius . . . omuium Discipulorum mitissimus, justitia, pietate, et sanctitate pene omnes praecessit.'—(J. du Ford, Scotichron. lib. ii. cap. 58.)

Corruption of Northumbrian monasteries, A.D. 734.

[3] Bede's letter to Archbishop Ecgberct of York shows that north of the Humber the decline and fall of the monastic system had begun even before A.D. 734: 'Sunt loca innumera, ut novimus omnes, in Monasteriorum ascripta vocabulum, sed nihil prorsus Monasticae conversationis habentia: e quibus velim aliqua de luxuria ad castitatem, de vanitate ad temperantiam [*al.* veritatem], de intemperantia ventris et gulae ad continentiam et pietatem cordis Synodica auctoritate transferantur. . . . Hujusmodi maxima et plurima sunt loca, quae, ut vulgo dici solet, neque Deo neque hominibus utilia sunt, quia videlicet neque regularis secundum Deum ibidem vita servatur, neque illa milites sive comites secularium potestatum qui gentem nostram a barbaris defendant possident . . . Quod enim turpe est dicere, tot sub nomine Monasteriorum loca hi qui Monachicae vitae prorsus sunt expertes in suam ditionem acceperunt, sicut ipsi melius nostis . . . Tui, inquam, est officii procurare, ne in locis Deo consecratis Diabolus sibi regnum usurpet, ne pro pace discordia, pro pietate jurgia, pro sobrietate ebrietas, pro charitate et castitate fornicationes et homicidia, sibi sedem vendicent,' etc. —(Epist. ad Ecgberct., Opera Hist. pp. 308-310. edit. Smith.)

Compare the nineteenth and twentieth canons of the Council of Cloveshoe, A.D. 747: 'Ut sint Monasteria juxta vocabulum nominis sui, id est, honesta silentium, quietorum, atque pro Deo laborantium habitacula; et non sint ludicrarum artium receptacula, hoc est, poetarum, citharistarum, musicorum, scurrarum; sed orantium, legentium, Deumque laudantium habitationes . . . Ne sint Sanctimonialium domicilia, turpium confabulationum, commessationum, ebrietatum, luxuriantiumque cubilia; sed continentium sobrieque viventium, ac legentium psallentiumque habitacula; magisque legendis libris, vel canendis psalmis, quam texendis et plectendis vario colore inanis gloriae vestibus studeant operam dare.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 97.)

Monastic life all but extinct in England, in the middle of the tenth century.

[4] Archbishop Aelfric of Canterbury, writing A.D. 1006, says that before the introduction of monks into Winchester, A.D. 963, there were none anywhere in England except at Glastonbury and at Abingdon: 'Nam hactenus in gente Anglorum ea tempestate non habebantur monachi nisi in Glastonia et Abendonia.' And at Abingdon they had been introduced by St. Aethelwold himself: 'Placuit tunc Regi Eadredo, suadente matre sua, dare venerabili Athelunoldo quendam locum, vocabulo Abbandun, in quo monasteriolum habebatur antiquitus; sed erat tunc destitutum ac neglectum, vilibus aedificiis consistens, et quadraginta tantum mansas possidens; reliquam vero terram ejusdem loci (hoc est centum cassatos) praefatus Rex jure regali possidebat. Factumque est, permittente Dunstano, secundum Regis voluntatem, ut Athelunoldus praefati loci susciperet curam, ut in eo, scilicet, monachos ordinaret regulariter Deo servientes,' etc.—(Aelfr. Vit. S. Aethelw., in Mr. Stevenson's Chron. Monast. de Abingd. vol. ii. pp. 257, 261: cf. vol. i. pp. 90, 123-126, 258, 481. vol. ii. pp. xx. xxi.)

The editor of the Codex Diplomaticus Aevi Saxonici has recorded his belief that 'it is not at all improbable that in the middle of the tenth century there was not a genuine Benedictine

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monasteries were suppressed by lay usurpation;[1] many were swept away

society left in England.'—(Mr. Kemble, Saxons in England, book II. chap. ix. vol. ii. p. 452.)

Lay or secularized abbeys in Scotland.

[1] See, as to Scotland, the Memorial of St. Rule, written before the end of the twelfth century: 'Qualiter acciderit quod memoria Sancti Andreae Apostoli amplius in regione Pictorum, quae nunc Scotia dicitur, quam in caeteris regionibus sit: et quomodo contigerit quod tantae Abbatiae ibi factae antiquitus fuerint, quas multi adhuc saeculares viri jure haereditario possident.'—(Mr. Duffus Hardy's Descript. Catal. of Mater. for Hist. of Great Brit. and Irel. vol. I. part i. pp. 36, 37. J. Pinkert. Enq. Hist. Scot. vol. i. p. 498. Polychron. R. Higden, vol. i. pp. 392-395. Mr. Babington's edit.) Cf. Quart. Rev. vol. lxxxv. no. clxix. (June 1849), pp. 116-118; Miscell. Spald. Club, vol. v., app. to pref. pp. 60-62; Mr. C. Innes' Sketches of Early Scotch Hist., pp. 149, 150; Mr. Grub's Eccl. Hist. Scot. vol. i. pp. 241-243; Canon Reeves's Memoir of the Culdees, pp. 28, 29.

Lay abbeys in England.

As to England, see the letter of Archbishop Boniface of Mentz, to Archbishop Cudberth of Canterbury, about A.D. 745: 'Ille autem qui laicus homo vel imperator vel rex, vel aliquis praefectorum vel comitum saeculari potestate fultus, sibi per violentiam rapiat Monasterium de potestate episcopi, vel abbatis, vel abbatissae, et incipiat ipse vice abbatis regere et habere sub se monachos, et pecuniam possidere, quae fuit Christi sanguine comparata; talem hominem nominant antiqui patres raptorem et sacrilegum, et homicidam pauperum, et lupum diabolum intrantem in ovile Christi, et maximo anathematis vinculo damnandum ante tribunal Christi . . . Talibus, quoniam hic et ibi reperiuntur, cum tuba Dei clangamus, ne tacentes damnemur.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 93. Prof. Hussey's Baedae Hist. Eccl. Gent. Angl. pp. 351, 352. Oxon. 1846).

Monasteries in Northumberland, built by laymen, only as retreats for idleness and luxury, A.D. 705-47.

In Northumberland, if not elsewhere in England, there was in the same age yet another abuse of the same kind—monasteries built by laymen, acknowledging no monastic rule, as places where they might lead slothful and luxurious lives: 'At alii graviore adhuc flagitio, quum sint ipsi laici et nullius vitae regularis vel usu exerciti, vel amore praediti, data Regibus pecunia, emunt sibi sub praetextu Monasteriorum construendorum territoria in quibus suae liberius vacent libidini, et haec insuper in jus sibi haereditarium edictis Regalibus faciunt ascribi, ipsas quoque litteras privilegiorum suorum quasi veraciter Deo dignas, pontificum, abbatum et potestatum seculi obtinent subscriptione confirmari. Sicque usurpatis sibi agellulis sive vicis, liberi exinde a divino simul et humano servitio, suis tantum inibi desideriis laici monachis imperantes deserviunt: imo non monachos ibi congregant, sed quoscunque ob culpam inobedientiae veris expulsos Monasteriis alicubi forte oberrantes invenerint, aut evocare Monasteriis ipsi valuerint; vel certe quos ipsi de suis satellitibus ad suscipiendam tonsuram promissa sibi obedientia monachica invitare quiverint. Horum distortis cohortibus, suas quas instruxere cellas implent, multumque informi atque inaudito spectaculo, iidem ipsi viri modo conjugis ac liberorum procreandorum curam gerunt, modo exurgentes de cubilibus quid intra septa Monasteriorum geri debeat, sedula intentione pertractant. Quin etiam suis conjugibus simili imprudentia construendis, ut ipsi aiunt, Monasteriis loca conquirunt, quae pari stultitia cum sint laicae, famularum se Christi permittunt esse rectrices . . . Sic per annos circiter triginta, hoc est, ex quo Aldfrid Rex humanis rebus ablatus est [A.D. 705.], provincia nostra vesano illo errore dementata est, ut nullus pene exinde praefectorum extiterit qui non hujusmodi sibi Monasterium in diebus suae praefecturae comparaverit, suamque simul conjugem pari reatu nocivi mercatus astrinxerit: ac praevalente pessima consuetudine ministri quoque Regis ac famuli idem facere sategerint. Atque ita ordine perverso innumeri sint inventi, qui se Abbates pariter et Praefectos sive ministros aut famulos Regis appellant, qui etsi aliquid vitae Monasterialis ediscere laici non experiendo sed audiendo potuerint, a persona tamen illa ac professione quae hanc docere debeat, sunt funditus exortes. Et quidem tales repente, ut nosti, tonsuram pro suo libitu accipiunt, suo examine de laicis non monachi, sed abbates efficiuntur.'—(Bede, Epist. ad Ecgberct., Opera Hist. pp. 309, 310. edit. Smith).

Compare the fifth canon—'De Monasteriis Secularium'—of the Council of Cloveshoe, A.D. 747: 'Quinto disputatum est loco: ut episcopi Monasteria, si tamen ea fas est ita nominare, quae utique temporibus istis propter vim quandam tyrannicae avaritiae, ad religionis Christianae

by the fire and sword of the heathen Norsemen.[1] Most of those which survived were peopled—the cathedral and collegiate churches were served—by a new order of Canon Clerics or Regular Clergy,[2] who falling away

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statum nullatenus immutari possint, id est, quae a secularibus, non divinae scilicet legis ordinatione, sed humanae adinventionis praesumptione, utcunque teneatur,' etc.—(Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 95.)

Destruction of Northumbrian monasteries by the Danes, A.D. 867.

[1] Let Simeon of Durham, writing about A.D. 1110, describe the desolation of the Northumbrian monasteries: 'Exinde crudelis barbarorum manus . . . Northanymbrorum autem provincias atrocius devastans, omnes ecclesias, omnia monasteria, ferro et incendio delevit, adeo ut nullum pene Christianitatis signum post se reliquerit. . . . Anno enim ab incarnatione Domini DCCCLXVII. . . . predictus Paganorum exercitus . . . capta Eboraca, hac illacque discurrit cruore atque luctu omnia replevit, ecclesias longe lateque et monasteria ferro atque igne delevit, nil praeter solos sine tecto parietes abiens reliquit, in tantum, ut illa quae in presenti est aetas ipsorum locorum vix aliquod, interdum nullum, antiquae nobilitatis possit revisere signum.'—(Lib. de Exord. et Procurs. Dunhelm. Eccl., praef., lib. II. cap. vi. pp. 2, 93. edit. 1732: cf. lib. III. capp. xxi. xxii. pp. 200, 205-207.)

Devastation of Strathclyde and Cumbria.

The desolation of the great diocese of Glasgow—stretching from Benlomond to the Cheviots, from Kelso to Corsraguel—is described in the inquest which the elders and sages of Cumbria held at the command of their Prince, the Earl David, about A.D. 1116: 'Dicto namque Kentegerno pluribusque successoribus suis pie religionis perseverantia ad Deum transmigratis, diverse sediciones circumquaque insurgentes non solum ecclesiam et ejus possessiones destruxerunt, verum etiam totam regionem vastantes ejus habitatores exilio tradiderunt. Sic ergo omnibus bonis exterminatis, magnis temporum intervallis transactis, diverse tribus diversarum nationum ex diversis partibus affluentes, desertam regionem prefatam habitaverunt. Sed dispari genere et dissimili lingua et vario more viventes, haud facile inter sese consentientes gentilitatem potius quam fidei cultum tenuere. Quos infelices damnate habitationis habitatores more pecudum irrationabiliter degentes, dignatus est Dominus, qui neminem vult perire, propitiatione sua visitare,' etc.—(Reg. Episc. Glasg. vol. i. pp. 4-6.)

Icolmkill burned and pillaged, its inmates massacred, by the Danes, A.D. 795-987.

How often, how terribly, the scourge of the Northmen fell upon Iona—

'Illic namque frequens pagana caterva Danorum
Adventare solet furiis armata malignis'—

may be seen from Dr. Reeves's Chronicon Hyense: 'A.D. 795. Vastatio Iae Coluim-cille;' 'A.D. 802. Hi Columbae-cille a Gentilibus combusta est;' 'A.D. 806. Familia Iae, id est lxviij., occisa est a Gentilibus;' 'A.D. 825. Martyrium Blaithmaci filii Flainn a Gentilibus in Hi Coluimcille;' 'A.D. 849. Kinadius filius Alpin, vii. anno regni, reliquias S. Columbae transportavit ad ecclesiam quam construxit;' 'A.D. 986. Hy Coluimcille vastata est a Danis nocte Nativitatis Dominicae: occiderunt abbatem et xv. religiosorum ecclesiae;' 'A.D. 987. Strages magna Danorum qui vastaverunt Hy, quorum occisi fuere cccix.'—(Adamn. Life of S. Columb. pp. 387-396.) Cf. Orig. Paroch. Scot. vol. ii. pp. 289, 290; J. Pinkert. Vit. Antiq. SS. Scot. pp. 459-463.

The monasteries of Applecross, Isle of May, Dunkeld, Tyningham, Coldingham, ravaged by the Danes: desolation of Old Melrose.

The Scottish Church in her services yearly commemorated the martyrdom by the heathen Northmen of the inmates of St. Maolrubha's monastery at Applecross, on the western, of St. Adrian's monastery, in the Isle of May, on the eastern shores of Scotland. It is recorded elsewhere that the Northmen ravaged the monasteries of St. Columba at Dunkeld, of St. Baldred at Tyningham, of St. Ebba at Coldingham. How Melrose fell—the elder Melrose, half-girdled by the Tweed, where St. Cuthbert was taught by St. Eata and St. Boisil—does not appear; but we know that in the eleventh century it was a solitude.—(Breviar. Aberd. Prop. SS. pro temp. estiv. fol. xc., pro temp. hyem. foll. lxii. lxiii. Chron. Pict. in T. Innes' Crit. Ess. vol. ii. pp. 783, 785; in J. Pinkert. Enq. Hist. Scot. vol. i. pp. 494, 495. Collect. de Reb. Alban. pp. 270, 271. Chron. de Mailros, p. 29. Acta Sanctorum, Martii t. i. p. 449; Augusti, t. v. pp. 265-269. edit. Venet. 1735-54. Sim. Dunhelm. Lib. de Exord. et Procurs. Dunhelm. Eccl. lib. III. cap. xxi. p. 199.)

[2] Mabillon thinks that there were colleges of Canons in a few of the great cathedrals of Gaul—he names Verdun, Auxerre, Reims, Nantes—

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from the comparatively easy rule which they professed to follow, became loose, worldly, self-indulgent, too often neglecting the offices of religion,

Institution of Canon Clerics, or Regular Clergy, A.D. 742-766.

even in the seventh century.—(Act. SS. Ord. S. Benedict. t. III. par. i. praef. pp. liij. liv. edit. Venet. 1734.) And the Council of Verneuil, A.D. 755, enacted that the tonsured clergy should live according either to Monastic or to Canonical order: 'De illis hominibus qui dicant quod se propter Deum tonsurassent . . . placuit ut in Monasterio sint sub ordine regulari, aut sub manu Episcopi sub ordine Canonico.'—(Labb. et Coss. Conc. t. vi. col. 1667.) But there seems no room to doubt that the rule and order of Canonical or Regular Clergy were instituted by St. Chrodegang, bishop of Metz from A.D. 742 to his death in A.D. 766.

The spirit of his institution cannot be better described than in the words of M. Guizot: 'Vers l'an 760, Chrodegand, frappé du désordre qui régnait dans le clergé séculier et de la difficulté de gouverner des prêtres épars, vivant isolément et chacun à sa façon, entreprit de soumettre à une règle uniforme ceux de son église épiscopale, et de les faire habiter et vivre en commun, de les constituer enfin en une association analogue à celle des monastères. Ainsi naquit l'institution des Chanoines: le désordre des temps en fut l'occasion, l'ordre monastique le modèle. Chrodegand s'applique à rendre l'assimilation aussi complète qu'il le put. La règle . . . qu'il donna aux premiers Chanoines, est presque textuellement empruntée à la règle de saint Benoît. Les travaux, les délassements, les devoirs, tout l'emploi du temps des Chanoines, y sont réglés; les repas doivent être pris en communs, les vêtements uniformes. Une différence fondamentale subsiste, il est vrai, entre les deux instituts; les Chanoines peuvent posséder des propriétés privées, tandis que, chez les Moines, le monastère seul possède. Mais dans le détail de la vie la ressemblance est minutieuse, et on s'est évidemment appliqué à la chercher.'—(Hist. de la Civilisat. en France, xxvi[e] leçon, t. ii. pp. 285, 286. edit. 1863.)

St. Chrodegang's Regula Canonicorum Clericorum.

St. Chrodegang's rule is in thirty-four chapters. The third enjoins that the Canon Clerics, 'ipsi Clerici Canonici,' shall live in cloister: 'in illo claustra . . . vivere debent, ut omnes in uno dormiant in dormitorio, praeter illos quibus Episcopus licentiam dederit . . . ut in ipsa claustra per dispositas mansiones dormiant separatim.' No woman, no layman, is to enter the cloister. The observance of the canonical services of complin, nocturns, prime, etc., is prescribed by the fourth and two following chapters. The seventh enjoins devotion and reverence in chanting: 'secundum quod Romana ecclesia tenet.' It is enacted by the eighth, 'ut quotidie omnis Clerus Canonicus ad capitulum veniat, et ibidem Dei verba audiant, et istam Institutiunculam nostram,' etc. The eleventh chapter seems to give the brethren the name of Servants of God: 'de zelo bono quem debent Servi Dei habere;' 'hunc ergo zelum ferventissimo amore exerceant Servi Dei.' The twenty-first takes order for a common refectory, in which there are to be seven tables for the several ranks of the brethren: one for the bishop, the archdeacon, guests, and pilgrims; a second for priests; a third for deacons, etc. The next two chapters regulate the diet of the brethren; wine, or beer, being allowed daily—three cups at dinner, two at supper, to priests and deacons, when there are two meals, three cups when there is only one meal, etc. The twenty-ninth chapter deals with the dress or habit of the order. By the thirtieth chapter, a Canon Cleric, bequeathing real estate to the church, may retain its usufruct during his life: if he leave moveable estate, one moiety is to go to the church, the other moiety he may dispose of by will. The thirty-second chapter allows a Canon Cleric to appropriate the alms which he may receive from the faithful: 'Si aliquis uni sacerdoti pro missa sua, vel pro confessione, aut Clerico pro psalmis et hymnis seu pro seipso, aut infirmitate, seu pro quolibet caro suo aut vivente aut mortuo, aliquid in eleemosyna dare voluerit, hoc sacerdos vel Clericus a tribuente accipiat, et exinde quod voluerit faciat.'—(Labb. et Coss. Conc. t. vii. coll. 1443-1478. Harduin. Concil. t. iv. coll. 1181-1214.) See Canon Robertson's Hist. of Christ. Ch. book III. chap. ix. vol. ii. pp. 211-213. edit. 1862. Comp. the Irish Rules of the Céli Dé, in Dr. Reeves's Mem. of Culdees, pp. 82-97; and the Rules of the Culdee Hospital at York, in the Monast. Anglican. vol. vi. pp. 610, 611.

M. Guizot shall relate the great success of St. Chrodegang's rule: 'Il faut bien que l'institution répondît aux besoins du temps, car elle se propagea avec rapidité; beaucoup d'évêques imitèrent Chrodegand; l'organisation du clergé des églises épiscopales en chapitres devint générale; en 785,

Wide and rapid spread of St. Chrodegang's Rule.

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not always respecting the duties of morality.[1] The reform or expulsion of these degenerate servants or worshippers of God—'Servi Dei,' 'Cocli-

789, 802, et 813, on voit le pouvoir civil et ecclésiastique la sanctionner avec empressement. Enfin, en 826 [*l.* 816], Louis le Débonnaire fait rédiger en 145 articles, dans une concile tenu à Aix-la-Chapelle, une Règle des Chanoines qui reproduit et étend celle de Chrodegand ; et il l'envoie à tous les métropolitains de son royaume, pour quelle soit partout appliquée, et devienne la discipline des églises.'—(Hist. de la Civilisat. en France, xxvie. leçon, t. ii. p. 278.)

Rule of Canon Clerics enacted by the Council of Aix-la-Chapelle, A.D. 816.

The Institutio Canonicorum promulgated by the Council of Aix-la-Chapelle, A.D. 816, seems to show that already the rule of St. Chrodegang had caught the taint of corruption. Thus, chapter CXVIII. sets forth : 'Sunt . . . nonnulli [Praepositi ecclesiarum] . . . qui numerosam Cleri congregationem volunt habere, cui nec animae nec corporis curant solatia exhibere. Hi nemque taliter aggregati, dum a praelatis stipendia necessaria non accipiunt, neque Canonicum servant ordinem, nec divinis officiis insistant, claustra societatemque ceterorum relinquentes, efficiuntur vagi et lascivi, gulae et ebrietati et ceteris suis voluptatibus dediti, quidquid sibi libitum est, licitum faciunt.' Thus too, chapter CXIX.: 'Sunt nonnulli, qui tantum ex familia ecclesiastica Clericos in sibi commissis congregant ecclesiis ; et hoc ideo facere videntur, ut si quando eis aliquid incommodum fecerint, aut stipendia opportuna subtraxerint, nihil querimoniae contra se objicere praesumant ; timentes scilicet, ne aut severissimis verberibus afficiantur, aut humanae servituti denuo crudeliter addicantur.' See also chapters CXXXI. CXXXVI.—(Labb. et Coss. Conc. t. vii. coll. 1307-1406.)

So also, a Council held at Aix-la-Chapelle, A.D. 828-44 : 'Statuerunt pro Canonicis, qui tunc sub Praepositis vivebant, quia Praepositi temporalia male tractabant, et nobiliores fortioresque Canonici possessiones usurpabant ; ut quilibet Canonicus, personis ad certum numerum redactis, suum temporale proprium possideret, et ut de communi camera cuilibet distribueretur, prout in choro divinis officiis resideret.'—(Fragm. Hist. de Conc. Aquisgr., in Mabill. Vet. Analect. pp. 149, 150. edit. 1723.)

Canon Clerics in England, in the eighth century.

The order of Canon Clerics would seem to have reached England before the end of the eighth century. It was ordained by the fourth canon of the Council of Cealchythe, A.D. 785, 'ut episcopi diligenti cura provideant, quo omnes Canonici sui canonice vivant, et Monachi seu Monachae regulariter conversentur, tam in cibis quam in vestibus, ut discretio sit inter Canonicum et Monachum vel secularem.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 147.)

Still earlier, before A.D. 766, in Archbishop Ecgbert's excerpts from the canons, we read : 'Canones dicimus regulas quas sancti patres constituerunt, in quibus scriptum est quomodo Canonici, id est, Regulares Clerici vivere debent.'—(Excerpt. Ecgberti Ebor. Archiepisc. e Dict. et Can. SS. Patr. Concinn., praef., in Mr. Thorpe's Anc. Laws and Instit. of Engl. p. 326.)

Degeneracy of Canon Clerics in England, in the tenth century.

[1] Thus, we are told that the Canon Clerics were driven out of Winchester, because they would keep no rule : 'forthan thet hi noldon nan regul healden.'—(Anglo-Sax. Chron. A.D. 963, p. 391. edit. Monum. Hist. Britann. ; vol. i. p. 220, vol. ii. p. 93. Mr. Thorpe's edit.)

Thus also, Henry of Huntingdon : 'quosdam Canonicos in veteri monasterio Wincestre degentes et ordinem suum pigre et negligenter observantes ejecit.'—(Hist. Angl. lib. v., Monum. Hist. Britann. p. 747.)

Thus, too, the Chronicle of Abingdon : 'Clerici, qui tunc temporis apud illius episcopatus [*sc.* Wintoniensis] sedem in ecclesia convivere canonice debuerant, religionis rigorem in suo praesule negligentes, loco cedere quam districtius vivere maluerunt.'—(Mr. Stevenson's Chron. Monast. de Abingdon, vol. i. p. 348.)

So, likewise, Archbishop Aelfric of Canterbury : 'Erant autem tunc in veteri monasterio, ubi cathedra episcopalis habebatur, malemorigerati Clerici, elatione et insolentia ac luxuria praeventi, adeo ut nonnulli eorum dedignarentur Missas suo ordine celebrare ; repudiantes uxores (quas illicite duxerant), et alias accipientes, gulae et ebrietati jugiter dediti.'—(Aelfr. Vit. S. Aethelwold. Episc. Winton., in Mr. Stevenson's Chron. Monast. de Abingd. vol. ii. p. 260.)

So, again, the Annals of Winchester : 'In Wintoniensi ecclesia et novo monasterio, quod nunc ab eventu de Hida dicitur, Monachos posuit loco Clericorum ; quia Clerici illi nomine tenus Canonici, frequentationem chori, labores vigiliarum, et mini-

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colae,' 'Deicolae,' 'Cultores Dei,' 'Colidei,' 'Culdees,' as they appear to have been called[1]—was the great work to which, with the characteristic

sterium altaris vicariis suis, utcunque sustentatis, relinquentes, et ob ecclesiae conspectu, ne dicam Dei, plerumque absentes septennio, quicquid de praebendis percipiebant locis et modis sibi placitis absumebant. Nuda fuit ecclesia intus et extra,' etc.—(Annal. de Winton., in Mr. Luard's Annales Monastici, vol. ii. p. 11; in the Monast. Anglican. vol. i. p. 206; vol. ii. p. 428.) See below, p. ccxv. note 1.

Once more, King Eadgar, in a charter to Winchester, A.D. 974: 'Certe Canonici omni viciorum naevo deturpati, inani gloria tumidi, invidiae livore tabidi, philargyriae maculis obcecati, luxuriae facibus libidi, gulae omnino dediti, regi terreno non episcopo subjecti . . . ebrietatem siquidem et homicidia sectantes, conjuges suas turpiter nimia et inusitata libidine amplectentes, aecclesiam Dei raro et perpauci frequentare volebant, nec horas celebrare canonicas dignabantur; quo reatu ejectis cum Praeposito Canonicis, et eliminata immundorum spurcicia, Monachi in sede constituti sunt episcopali,' etc.—(Mr. Thorpe's Diplomat. Anglic. Aevi Saxon. p. 260.)

Degeneracy of Canon Clerics in Gaul and Germany, in the tenth and eleventh centuries.

It need scarcely be said that the corruption of the Canon Clerics was not confined to Britain. It showed itself on the Continent in the same way, in the same age. 'Haec vitae communis institutio,' says Van Espen, 'in aliquibus citius, in aliis serius desiit. Circa seculum X. nonnulles ad vitam singularem, abjecta communi, convolasse tradit Trithemius loco citato [ad annum 975]: *Sub Theodorico Archiepiscopo Trevirensi, Canonici majoris ecclesiae ibidem abjecta vita Regulari, quam hucusque in eadem ecclesia majores eorum continuaverant, desierunt esse Regulares, et facti sunt nomine et conversatione Seculares. Quorum exemplo malo Canonici quoque S. Paulini Trevirenses, Sancti Castris in Confluentia, Moguntinenses, Wormatienses, Spirenses, et complurium aliarum ecclesiarum, diversis quidem temporibus, sed uno impietatis, Regularis vitae communitatem abjecerunt.* Hos successivis temporibus alios secutos fuisse, scriptores seculi XI. et XII. abunde testantur, et alta deplorant; eamque mutationem non authoritate ecclesiae, sed defectui, et refrigescenti charitati adscribunt. S. Ivonem Episcopum Carnotensem audiemus: *Quod communis vita*, inquit (Epist. 60), *in omnibus ecclesiis pene defecit tam civilibus quam dioecesanis, non authoritati, sed desuetudini et defectui adscribendum est, refrigescente charitate, quae omnia vult habere communia, et regnante cupiditate, quae non quaerit ea quae Dei sunt et proximi, sed tantum quae sunt propria* . . . Utque verbo dicam, cum vita singulari irrepsit libertas Canonicorum pro suo libitu vivendi; redditusque ecclesiasticos pro arbitrio dispensandi. Huic vivendi libertati, si quis conjunxerit divitias, et honores etiam mundanos, quos ipse Canonicalis status hodie dare solet, facile videre est, qua ratione homines mundani, carnales, ambitiosi, avari, aliisque vitiis pleni, in vita Canonicorum reperire coeperint, quo suis concupiscentiis, et carnalibus desideriis satisfacere possent.'—(Jus Eccles. Univ. par. I. tit. vii. cap. 2. §§ 1, 3, 4, cap. iii. § v.; Opera, t. i. pp. 42, 43.)

So also, le Père Helyot: 'Mais comme dans la suite de temps, principalement dans l'Occident, les Chanoines s'étaient relâchés à un tel point, qu'ils étaient comme abîmés dans la saleté d'une incontinence universelle, et qu'ils acquéraient leurs bénéfices par une commerce infâme de simonie; saint Pierre Damien, emporté par l'ardeur de son zèle, sollicita fortement le pape Nicolas II., pour remédier à ces désordres, et bannir entièrement la propriété d'entre les Chanoines, qui semblait leur avoir été permise par la règle d'Aix-la-Chapelle, puisqu'elle ne les obligeait point à renoncer à leur patrimoine. C'est pourquoi ce saint pontife assembla à Rome un Concile de cent treize évêques, l'an 1059, où, après avoir condamné la simonie et le concubinage, il ordonna que les Clercs logeraient et vivraient ensemble, et mettraient en commun ce qu'ils recevraient de l'Eglise, les exhortant à la vie commune des apôtres, c'est-à-dire à n'avoir rien en propre. La même chose fut ordonnée dans un autre Concile par Alexandre II., l'an 1063 . . . Les règlements que firent ces deux Conciles pour obliger les Chanoines à la désappropriation, ne furent pas reçus par tous ceux qui prenaient ce titre: le relâchement continuait toujours parmi eux,' etc.—(Hist. des Ordres Monast. t. i. col. 774. edit. Migne.) Cf. Labb. et Coss. Conc. t. ix. coll. 1096, 1099, 1010, 1175, 1176.)

[1] Canon Reeves of Armagh, in his admirable Memoir of the Culdees, accepts (pp. 1, 2; pref. pp. vii. viii.) the conclusion of the late Dr. John O'Donovan and others, that the term 'Culdee' or

Name of Culdee: its etymology.

impetuosity of reformers, St. Dunstan, St. Ethelwold, St. Oswald, set

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'Céle-Dé' is a Celtic translation of the Latin 'Servus Dei' in its limited and technical sense of a monk. He remarks at the same time (p. 5), that 'Colgan, who was a master of the Irish language, says concerning Kele-De, *quae vox Latine reddita Deicolam, seu Amadeum designat*;' and that 'the York Chartulary, Giraldus Cambrensis, and the Armagh records, presume some affinity between the Irish 'céle' and the Latin 'colo,' when they represent the term by 'colidens' and 'coelicola;' in fact making 'célédé' the Celtic equivalent for the familiar 'deicola.' He adds (pp. 25, 69) that Sir James Ware in 1658, Bishop Worth in 1667, lean to the same etymology: 'Colidei siue Culdei, id est Cultores Dei appellati;' 'Culdees quasi Dei Cultores.'

Name of Culdee regarded as synonymous with Cultor Dei, Coelicola, Deicola, etc.

In Scotland, as in Ireland, in England, in Wales, the name appears to have been generally regarded as synonymous with 'Deicola.' Thus Abbot Mylne, A.D. 1515: 'viros religiosos, quos nominavit vulgus Kelledeos, aliter Colideos, hoc est, Colentes Deum.' Thus, too, Boece, A.D. 1526: 'vulgo Culdei .i. Cultores Dei;' 'Dei Cultores (Culdei prisca nostra vulgari lingua dicti'); 'sacerdotes Dei Cultores vulgo appellati.' Thus, also, Bishop Lesley, A.D. 1578: 'Dei Cultores (Culdei nostra vulgari lingua dicti'). So, likewise, Buchanan, A.D. 1582: 'Culdeos, hoc est, Dei Cultores.'—(Vit. Dunkeld. Episc. p. 4. H. Boet. Scot. Hist. foll. 92, 99, 105. edit. 1575. J. Lesl. De Reb. Gest. Scot. lib. iii. reg. 34. p. 122. edit. 1578. G. Buchanan. Rer. Scotic. Hist. lib. vi. cap. 17.)

The Scottish interpretation, it may be added, has the sanction of the great name of Ducange: 'Colidei, Caldei, Keldei, Keledei, dicti apud veteres Scotos monachi, qui . . . ab iis ita appellati sunt, quasi Cultores Dei,' etc.—(Glossar. t. ii. col. 744. edit. 1733.)

Colidei, or Culdees, at York, A.D. 936-1100.

Dr. Reeves has pointed out that the form of 'Colidei,' in which the name appears in the records of York (Monast. Anglican. vol. vi. pp. 608, 609), implies that it was held to signify 'Colentes Deum' or 'Cultores Dei.'

The same interpretation seems to have been current elsewhere in England at an early age.

Name of Cultor Dei at Hexham, A.D. 1031.

Thus Simeon of Durham, writing about A.D. 1110 of an event in A.D. 1031, relates that a certain dreng, one of the possessors of the secularised monastery of Hexham—'vir quidam de minoris ordinis proceribus in possessione ecclesiae Haugustaldensis manens,' as St. Aelred of Rievaux describes him; 'perhaps the Provost of Hexham,' as Canon Raine of York conjectures—was held in such reverence for his piety that his neighbours called him a true Culdee: 'illumque verum Dei Cultorem appellabant.'—(Sim. Dun. Hist. de Gest. Reg. Angl., in Monum. Britann. Hist. p. 665. Canon Raine's Prior. of Hexh. vol. i. pp. liii. 195, 208, 209.)

Canon Clerics at Canterbury called Cultores Clerici, A.D. 1106.

Thus, too, the Canon Clerics of Christ Church at Canterbury are called Cultores Clerici in a charter by King Ethelred, A.D. 1106: 'Dei servitium passim nostra in gente a Cultoribus Clericis defleo extinctum et tepefactum.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 284. Monast. Anglican. vol. i. p. 99).

The late Dr. Lingard, who first called attention to this passage, wrote: 'In the charter the prebendaries are termed Cultores Clerici, a singular expression, which seems to intimate that the collegiate clergy were even then styled Culdees—Cultores Dei—in the south as well as in the north of England.'—(Hist. and Antiq. of Anglo-Saxon Church, vol. ii. p. 294. note 2. edit. 1845.)

Name of Dei Cultores at Winchester, A.D. 966.

I may adduce another still earlier instance of the prevalence of the name of Cultor Dei or Culdee in the south of England, from King Edgar's great charter to the monks of New Minster or Hyde, A.D. 966: 'locum Domini mundans, Wintoniensis ecclesiae Noui Monasterij arcisterium nostro Saluatori . . . dicatum restauraui . . . possessionem Domini vsurpare non sustinens, Clericos lascivientes repuli, ac veros Dei Cultores monachico gradu fungentes . . . illic deuote ordinaui.'—(Seld. Notae et Spicilegium ad Eadmer. Cantuar. Hist. Nov. p. 155. edit. 1623; Works, vol. iv. col. 1622. Wilk. Conc. Mag. Brit. et Hib. vol. i. p. 242. Monast. Anglican. vol. ii. p. 440).

Name of Cultores Dei in Gaul.

The name of Cultor Dei appears also on the Continent. It is given to St. Regulus, the first bishop of Senlis, and to his companions St. Fuscianus, St. Victoricus, St. Lucianus.—(Acta Sanctorum, Martii t. iii. pp. 817, 819, 824. edit. Venet. 1736.) Like 'Servus Dei,' it seems to have had both a general and a technical meaning; and it may not always be easy to distinguish in which of the two senses it is used.

Names of Coelicola and Colideus, in Wales and Ireland.

Giraldus Cambrensis, writing of the Culdees of Wales and Ireland, towards the end of the twelfth century, regards their name as signifying 'wor-

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themselves in the latter half of the tenth century.[1] The ease, the extent, and

shippers of Heaven,' 'worshippers of God'—'Coelicolas vel Colideos.'—(Topogr. Hibern. dist. ii. cap. 4. Itiner. Cambr. lib. ii. cap. 6. Camd. Anglic. Hibern. Norman. Cambric. a vet. Script. pp. 716, 865). Cf. Canon Reeves's Mem. of Culdees, pp. 21, 61.

Name of Deicolae given to Canon Clerics in Gaul.

The name of 'Deicola' appears on the Continent. In the eighty-first chapter of an enlarged edition of St. Chrodegang's Rule, is an 'Epistola cujusdam Deicolae . . . sacerdotibus ecclesiarum Christi praesulibus, et cunctis Clericis in eisdem ubique ei famulantibus, et Deicolis in totum mundum degentibus.' He speaks of the Canon Clerics as 'Servi Dei,' and the same name seems to be given to them in the thirty-second chapter.—(Labb. et Coss. Conc. t. vii. coll. 1468, 1474-1476.)

As to the use and meaning of Deicola, see Canon Reeves's Mem. of Culdees, p. 5.

Name of Culdee, not an authoritative but a popular title: its misapplication by the common people of Scotland.

In considering the name of Culdee, there are two things which I venture to think should be kept in view: (i.) That it seems to have been less an authoritative, technical, or proper designation, than a loose popular term, as appears from the way in which it is so often used: 'presbyterorum, Colideorum vulgo nuncupatorum;' 'Clerici a vulgo Calledei nunenpabantur;' 'religiosos, quos nominavit vulgus Kelledeos;' 'Clericos qui Keledei vulgariter appellantur,' etc. (Dr. Reeves's Mem. of Culd. pp. 16, 27, 67, 68, 118. Theiner, Vet. Mon. Hib. et Scot. p. 16); (ii.) That, in Scotland at least, the name is said to have been given by the common people to priests of all kinds, without discrimination: 'Inualuit id nomen apud vulgus intantum, vt sacerdotes omnes ad nostra pene tempora, vulgo Culdei .i. Cultores Dei sine discrimine vocitarentur.'—(H. Boet. Scot. Hist. lib. vi. fol. 92. edit. 1575.)

Misconception as to St. Dunstan's reform.

[1] A trivial circumstance has led to a serious misapprehension of St. Dunstan's reform. The 'Canon Clerics' whom he sought to remove or to reclaim, were often called simply 'Clerics;' and hence, it has been supposed that they were nothing more than secular clergy, bound by no conventual rule or order, as free to marry and to mix with the world as the parochial clergy of the Church of England became at the Reformation.

The mistake was, perhaps, natural enough in a polemical and uncritical age. Yet if the original authorities had been read with any care, it must have been seen that the persons called 'Priests' or 'Clerics' in one place, were called 'Canons' in the next. Thus, the expulsion of the Canon Clerics from Winchester, A.D. 964, is described in one text of the Anglo-Saxon Chronicle: 'and [he] draf ut tha Clerca of tho biscop-rice, forthan thet hi noldon nan regul healden;' in another: 'her draefde Eadgar cyng tha Preostas on Ceastre of ealdan mynstre;' in a third: 'hic expulsi sunt Canonici de ueteri monasterio;' in a fourth: 'her wurthan tha Canonicas gedrifen ut of ealdan mynstre fram Eadgare cinge;' by King Eadgar himself, in one charter: 'Canonicos qui incorrigibiles perdurarent, de ecclesia dicta ejeci;' by the same King Eadgar in another charter: 'superbos Clericos qui Deo servire contempserunt, pro nefandis suis artibus, et detestandis servitiis, inde eliminatos expuli;' by Florence of Worcester: 'expulsis Clericis, vetus monasterium cum monachos instituit;' by Henry of Huntingdon: 'quosdam Canonicos in veteri monasterio Wincestre degentes, et ordinem suum pigre et negligenter observantes, ejecit;' by the biographer of St. Aethelwold: 'erant . . . tunc in veteri monasterio . . . malemorigerati Clerici . . . repudiantes uxores (quas illicite duxerant), et alias accipientes, gulae et ebrietati jugiter dediti: quod minime ferens vir sanctus . . . expulit citissime nefandos blasphematores Dei;' by the Chronicle of Abingdon: 'Clerici, qui . . . in ecclesia convivere canonice debuerant, religionis rigorem . . . negligentes, loco cedere quam districtius vivere maluerunt;' by William of Malmesbury: 'Canonicis expulsis, Monachos posuit;' by the Winchester Annals: 'Monachos posuit loco Clericorum, quia Clerici illi nomine tenus Canonici . . . ab ecclesie conspectu, . . . plerumque absentes septennio, quicquid de praebendis percipiebant locis et modis sibi placitis absumebant.'—(Monument. Hist. Britann. pp. 391, 393, 577, 747. Anglo-Saxon Chron. vol. i. pp. 220, 222, 223. Mr. Thorpe's edit. Mr. Stevenson's Chron. Monast. de Abingd. vol. i. p. 348, vol. ii. pp. 260, 261. Monast. Anglican. vol. i. pp. 206, 212, vol. ii. pp. 428, 435, 441. Mr. Luard's Annal. Monast. vol. ii. p. 11.)

Canon Clerics spoken of indifferently as Clerics and as Canons.

The same indiscriminate use of 'Cleric' and 'Canon' which prevailed at Winchester, prevailed generally elsewhere, as at Rochester, at Durham, on one side of Tweed, at St. Andrews, at Monymusk, on the other. It was so from the beginning of the order. Thus, chapter LXXIII. of Charlemagne's Ca-

the permanence of their triumphs at Winchester[1] and at Worcester,[2] in The Culdees.

pitulary, promulgated at Aix-la-Chapelle, A.D. 789: Similiter qui ad Clericatum accedunt, quod nos nominamus Canonicam vitam, volumus ut illi canonice secundum suam regulam omnimodis vivant, et Episcopus eorum regat vitam, sicut Abba Monachorum.'—(Labb. et Coss. Conc. t. vii. col. 986.)

Ducange, as one meaning of 'Clerici,' gives 'Canonici, maxime regulares, qui in ecclesiis cathedralibus sacra peragunt.'—(Glossar. t. i. col. 686. edit. 1733.)

Culdees of Glasgow called Single Clerics or Canons.

It is in this sense, I think, that Joceline of Furness is to be understood (Vit. S. Kentig. cap. xx. J. Pinkert. Vit. SS. Scot. p. 236) when he speaks of the Culdees whom he supposes to have been at Glasgow in the days of St. Kentigern: 'viventes in singulis tamen casulis . . . unde et Clerici Singulares et vulgo Calledei nuncupabantur.' That is, 'They lived apart, in separate huts, whence they were called Single Canons.' See instances of the use of 'singularis' in this sense, quoted from the Canonist Van Espen, above, p. ccxii. note: 'ad vitam singularem, abjecta communi, convolasse;' 'cum vita singulari irrepsit libertas Canonicorum pro suo libitu vivendi.'

I return, for a moment, to the misconception of St. Dunstan's reform. 'Even in the collegiate churches,' Mr. Kemble writes, 'the presbyters and prebendaries had permitted themselves to take wives, which never could have been contemplated even by those who would have looked with indulgence upon that connexion on the part of parish priests. . . . We may be certain that residence, temperance, soberness, chastity, and a strict attendance upon the divine services were required by the rule of every society: unfortunately these are restrictions and duties which experience proves to have been sometimes neglected. . . . We may not greatly admire monachism, or believe it useful to a state; but we can hardly blame those who, finding the institution in existence, desire to make the men who are attached to it worthy and not unworthy members of their profession.'—(Saxons in England, book II. chap. ix. vol. ii. p. 454.)

Expulsion of Canon Clerics from Winchester, A.D. 964.

[1] A.D. 964. 'Rex Edgarus . . . dolens tam divites eleemosynas collatas ecclesie, nec in ecclesia, nec in ministris ecclesie, nec in pauperibus expendi, mandavit . . . ut bona ecclesie non sine causa percipientes, in ecclesia cujus se personas confitebantur, in propria persona Deo servituri perpetuo facerent stationem. Canonicis mandata Regis et monita surda aure transeuntibus, et nolentibus singulis pro annuo canone mille librarum auri vel per annum esse claustralibus, Rex instans proposito, et malens per Canonicos quam per aliud genus arctioris religionis administrari negotium, ablatas quibusdam eorum praebendas contulit vicariis, quos viderat in ecclesia perstantes assiduo. Sed et illi promoti in personatum, vicarios sibi facientes, facti sunt similes vel vagaciores et saeculariores prioribus. Rex itaque circa correptionem Canonicorum nihil proficiens, postquam jejunium [*al.* genuinum] fregit in illis, de ecclesia et de novo monasterio illos ejiciens, et monachos in locis illorum constituens, illorum dispersionem, istorum congregationem, a Papa Johanne XIII. ratam haberi meruit et confirmari.'—(Annal. de Wint., in Mr. Luard's Annal. Monast. vol. ii. p. 12; in the Monast. Anglican. vol. i. p. 206, vol. ii. p. 428.)

'Misit quoque Rex quendam ministrorum suorum famossisimum, Uulfstanum vocabulo, cum Episcopo, qui Regia auctoritate mandavit Clericis ocissime dare locum Monachis, aut Monachicum suscipere habitum. At illi exsecrantes Monachicam vitam, illico exierunt de ecclesia; sed tamen postmodum tres ex illis conversi sunt ad regularem conversationem, scilicet, Eadsinus, Wulfsinus, Uuilstanus.'—(Aelfr. Vit. S. Aethelw. Episc. Winton., in Mr. Stevenson's Chron. Monast. de Abingd. vol. ii. pp. 260, 261.)

See above, pp. ccxi. ccxii. note 1. p. ccxiv. note 1.

[2] A.D. 969. 'S. Oswaldus . . . Clericos Wigorniensis ecclesiae monachilem habitum suscipere renuentes de monasterio expulit; consentientes vero hoc anno, ipso teste, monachizavit, eisque Rameseiensem coenobitam Winsinum, magnae religionis virum, loco decani praefecit.'—(Florent. Wigorn. Chron., in Monum. Hist. Britann. p. 577.)

Expulsion of Canon Clerics from Worcester, A.D. 969.

'[Beatus Oswaldus archiepiscopus] opitulatione Aedgari Regis et auctoritate pii Dunstani Cantuariensis Archiepiscopi, de irregulari conversatione Clericorum in regularem conversationem et habitum Monachorum transtulit et mutavit hujus ecclesiae congregationem, anno Dominicae Incarnationis DCCCCLXIX . . . Hujus pii patris Oswaldi temporibus Wynsius, Sanctae Elenae presbiter, vicarius hujus sanctae matris ecclesiae extitit. Hic idem monitis Sancti Oswaldi cum caeteris qui in Clericali habitu huic ecclesiae utcunque serviebant, mundo post habito Monasticae religionis habitum suscepit et claves ecclesiae Sanctae Elenae, quarum

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Wessex and in Mercia,[1] would seem to have been misconceived or exaggerated;[2] it is certain, at least, that elsewhere their reformation advanced with slow and laborious steps.[3] It was not accomplished at St. Edmundsbury until nearly the middle of the eleventh century.[4] It was not completed or secured at Canterbury[5]—it was not begun at Rochester,[6] at York,[7]

ipse sicut vicarius custos extiterat, cum terris decimis caeterisque redditibus, ad communem usum Monachorum reddidit. Wynsio proinde Monacho facto cum caeteris qui secum sponte converti elegerunt, tam supradicta ecclesia quam caeterae quae nunc usque Monachorum sunt, ecclesiae terrae sepulturae vel quaelibet aliae consuetudines seu dignitates ecclesiasticae quae Clericorum quasi propria hactenus extiterant, in jus Monachorum transierunt et in communem usum illorum redactae sunt.'—(Cart. S. Wulstani, A.D. 1092, Monast. Anglican. vol. i. pp. 609, 610.)

Expulsion of Canon Clerics in Mercia and Wessex, A.D. 963-969.

[1] A.D. 969. 'Rex Anglorum pacificus Eadgarus, S. Dunstano Dorobernensis, et B. Oswaldo Wigorniensis, et S. Aethelwoldo Wintoniensis ecclesiae episcopis praecepit, ut expulsis Clericis, in majoribus monasteriis per Merciam constructis, Monachos collocarent.'—(Florent. Wigorn. Chron., in Monum. Hist. Britann. p. 577.)

See, as to Wessex, the Anglo-Saxon Chronicle, A.D. 963-964, vol. i. pp. 220-223. Mr. Thorpe's edit.

Reaction: Canon Clerics restored in Mercia, A.D. 975.

[2] The Anglo-Saxon Chronicle deplores the expulsion of the Monks from Mercia, A.D. 975: 'Tha waes on Myrceon, mine gefraege, wide and wel hwaer, Waldendes lof afylled on foldan: fela wearth to-draefed gleawra Godes-theowa.' Florence of Worcester adds that the Canon Clerics with their wives were brought back: 'Princeps Merciorum Alfere, quampluresque regni primates, magnis obcaecati muneribus, Abbates cum Monachis de monasteriis, in quibus Rex pacificus Eadgarus eos locaverat, expulerunt, et Clericos cum uxoribus suis introduxerunt.'—(Monum. Hist. Britann. pp. 396, 578. Anglo-Saxon Chron. vol. i. pp. 228, 229. Mr. Thorpe's edit.)

'We have very strong evidence that the eviction of the Canons from Worcester was not completed in Oswald's time.'—(Mr. Kemble, Saxons in England, book II. chap. ix. vol. ii. pp. 463-465.) Comp. Dean Milman's Hist. Lat. Christ. book VII. chap. i. vol. iv. pp. 27, 28. edit. 1864.

Even after the Conquest, Bishop Walchelin's design to restore the Canon Clerics at Winchester was defeated only by Lanfranc's interposition: 'Walchelinus Episcopus adunatos pene quadragiota Clericos, Canonicorum more, tonsura ac veste redimitos haberet, quos, ejectis Monachis, Wentanae ecclesiae, cui praesidebat, mox intromitteret. Sola mora haec peragendi, nondum requisita ab Archiepiscopo licentia fuit,' etc.—(Eadmer. Hist. Nov. lib. i. p. 10. edit. 1623.)

Reaction: attempt to restore Canon Clerics at Winchester, A.D. 1070-73.

[3] The council of Aenham, A.D. 1009, could only threaten the expulsion of such Canon Clerics as persisted in violating their rule by failing to live in chastity, to observe the canonical hours of service, to dine in the refectory ('si eo loci substantiae abundantia victualis non defuerit'), to sleep in the dormitory: 'Quodsi haec observare neglexerint, vel regulariter emendent, vel de Monasteriis ejiciantur, et Dei haereditate careant.'—(Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 286, 292, 293.)

Expulsion of Canon Clerics from Bury St. Edmunds, Canterbury, Rochester, York. A.D. 1032-1100.

[4] A.D. 1032. See Monum. Hist. Britann. p. 597; Chron. de Mailros, p. 45.

[5] A.D. 1070-1073. Anglo-Sax. Chron. A.D. 995. Mr. Thorpe's edit. vol. i. pp. 244-247; Monum. Hist. Britann. pp. 403-406. Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 282-284. Eadm. Hist. Nov. lib. i. pp. 7, 10, 11. edit. 1623. Monast. Anglican. vol. i. p. 99. Mr. Kemble, Saxons in England, book II. chap. ix. vol. ii. p. 459.

[6] A.D. 1077-1089. Eadmer. Hist. Nov. lib. I. p. 8. edit. 1623. Monast. Anglican. vol. i. pp. 172, 175.

[7] A.D. 1070-1100, during the episcopate of Archbishop Thomas of Bayeux. See Monast. Anglican. vol. vi. pp. 608-609; T. Stubbs, Act. Pontif. Ebor., in Twysd. Dec. Script. coll. 1708, 1709; Canon Raine's Fasti Ebor. vol. i. pp. 154, 155.

'It would appear,' says Canon Reeves, 'that the Colidei were the officiating clergy of the cathedral church of St. Peter's at York in A.D. 936. . . . But when things assumed a new complexion, and a Norman archbishop was appointed, and the foundation of a new cathedral laid, and a more magnificent scale established for the celebration of divine worship . . . the Colidei, or old order of officiating

at Durham[1]—until the reign of the Conqueror, the primacy of Lanfranc. The Culdees.

clergy, were superseded, and . . . were removed to another quarter of the city, whither they took their endowments with them, and thus continued through several centuries, under an altered economy and title, till all memory of their origin had perished, save what was recorded in the preamble of their charter-book.'—(Mem. of Culdees, pp. 59, 60.)

Expulsion of Canon Clerics from Durham, A.D. 1083.

[1] A.D. 1083. See the Pope's bull, the King's charter, the charters of the Bishop, his Metropolitan, and his Primate, in the Hist. Dunelm. Script. Tres, app. i.-vi. xiv. pp. i.-xvi. xxiv.-xxvii.

In one charter (p. i.), the Bishop, William of St. Carileph—himself a Cleric who had become a Monk—speaks of the Canon Clerics whom he casts out, as neither Benedictine Monks nor Canons Regular: 'locumque quem sacri corporis sui [sc. S. Cuthberti] praesencia illustrat, necligenciori, quam ejus deceret sanctitatem, servicio despicabiliter destitutum conspexi: nam neque sui ordinis ibi Monachos neque Regulares repperivi Canonicos.' In another (pp. xxiv. xxv), he calls them Clerics: 'desolacionem Dunelmensis ecclesiae, et incorrigibilem vitam Clericorum in praesencia reverendi confessoris Sancti Cuthberti minus honeste serviencium.' The King, William the Norman, styles them (p. v.) Secular Canons: 'constituo at Canonici Seculares de ecclesia Beati Cuthberti amoveantur.' The Primate, Lanfranc, and the Archbishop of York, Thomas of Bayeux, call them (pp. xi. xii) Canons: 'remotis Canonicis de Beati Cuthberti ecclesia;' 'Canonicos de ecclesia sua amovere.' The Pope, Gregory VII., the reforming and ambitious Hildebrand, styles them (pp. vii. viii) Clerics, and seems to suggest, what appears also to be insinuated by the Bishop (p. xxiv), that some of them were in some way implicated in the murder of the Earl-Bishop, the high-born Walcher of Lorraine, A.D. 1080: 'sacri ordinis et sanctae ecclesiae saevissimos violatores, qui . . . Walcherum Episcopum interfecerunt . . . non solum ulcionis poena plecti mandavit [Rex], verum eciam Dunelmensis ecclesiae Clericos maleaccionales, quosdam eciam eorum tam execrabili sacrilegorum prosapia oriundos, propter vitam suam incorrigibilem, auctoritate Apostolica, inde penitus eliminari . . . quam maxime nos postulat [Rex].'

The expulsion of the Canon Clerics from Durham was effected at a moment when not only the city but all the Palatinate was awed and subdued by the terrible vengeance of the Conqueror for the massacre of his Count Palatine, Bishop Walcher, and his knights. Yet, even in such a season, the work seems not to have been accomplished without difficulty. It was in vain that the Bishop asked the Canon Clerics to choose whether they would become Canons Regular or Monks. They refused to be either: 'Alloquitur primo illos quos in ecclesia invenerat, ut vel Clerici Regulares vel Monachi fierent, ut quovis ordine disciplinati vitam ducerent. Sed quoniam durum eis erat assueta relinquere et in veteri mente nova meditari, neutrum admiserunt.' The Bishop appealed to the King, the King to the Pope, and both King and Pope agreed with the Bishop that the Canon Clerics must be driven out. Yet they were still allowed the same choice between ejection from the minster and submission to monastic rule, which had been vouchsafed in the previous century to the Canon Clerics of Winchester and of Worcester, and was to be permitted in the next to the Culdees of Lochleven. Only one of the Durham Clerics consented to the cowl, and he was overcome by the entreaties of a son, who was already a monk: 'Eos vero qui prius inibi habitaverant, nomen tantum Canonicorum habentes, sed in nullo Canonicorum regulam sequentes, [Episcopus] praecepit ut si in ipsa aecclesia residere vellent, deinceps in Monachico proposito cum Monachis vitam agerent. At illi de aecclesia exire quam taliter ingredi maluerunt, praeter unum, videlicet Decanum illorum, cui a filio Monacho, vix, ut Monachus fieret, persuaderi poterat.'—(Sim. Dunhelm. Lib. de Exord. et Procurs. Dunhelm. Eccl., praef. p. 7, lib. iv. cap. iii. pp. 224, 225.) But although the Canon Clerics quitted the cathedral, they did not go unprovided. They were able to secure themselves in pensions or benefices elsewhere in the diocese: 'supranominatos Clericos,' says the Bishop, 'a Dunelmensi ecclesia recedere fecimus, et in aliquibus ecclesiarum episcopatus nostri eis victum et vestitum sufficientem assignavimus.' The Pope sanctioned the arrangement, adding a significant condition: 'eisdem Clericis,' he writes to the Bishop, 'a Dunelmensi ecclesia irrefragabiliter recedere, et ubi Fraternitas Tua eis victualia in vita sua sufficienter providerit pacifice conversari indicimus, possessione qualibet ecclesiastica eos perpetuo privantes, si post tam necessariam rerum ordinacionem Apostolicae dispensacionis beneficio eis indulto qualicumque oblocucione temeraria renunciare pre-

 It took thirty years to travel northward from the shrine of St. Cuthbert

sumpserint.'—(Hist. Dunelm. Script. Tres, app. iii. xiv. pp. viii. xxv.) Cf. Aelr. Abb. Rievall. de Sanct. Eccl. Haugust. cap. xi., in Canon Raine's Prior. of Hexh. vol. i. p. 191. pref. pp. lvi. lvii. app. p. viii.

Hereditary Canon Clerics at Durham, A.D. 995-1083.

The Canon Clerics of Durham were strong in the hereditary right which was believed to descend to them from the Monks who, towards the end of the ninth century, fled from Holy Island with the bones of St. Cuthbert: 'In illis enim diebus'—writes Reginald of Durham, before the close of the twelfth century—'quibus in primordio Beatus Cuthbertus penes Dunelmum sibi quietis sedem elegerat [A.D. 995], coetus Clericorum qui usus in canendo Monachorum eotenus tantummodo retinuerat, in eadem ecclesia, sub Episcopo, dominii privilegium obtinebat. De genere quidem et eadem nutritura fuerant qui primitus sacrum corpus ipsius de insula Lindisfarnea transvehendo transduxerant. Prebendas etiam de more Canonicorum, qui nunc dicuntur Secularium, de ecclesia possidebant, et exercicia monastica in officiis ecclesiasticis persolvebant. Unde contigerat quod is, qui superius in vulpeculam conversus fuerat, jam tunc temporis, tali religionis scemate, ecclesiam de Bethligtune cum pertinentiis suis jure canonicali in sua progenie possidebat. Usque in diem enim praesentem ibidem ejusdem viri cognatio perseverat, quam populus accola et convicaneus *Tod* vulgari edicione cognominat.'—(Lib. de B. Cuthb. Virt. cap. xvi. pp. 28, 29.) Comp. Canon Raine's Prior. of Hexh. vol. i. pref. p. lv. note o.

Simeon of Durham—who had talked with their kinsfolk, and had often heard the hereditary Canon Clerics themselves chanting their hours in the cathedral—tells their story as it was believed towards the close of the eleventh century: 'Peremptis autem ut dictum est memoratae ecclesiae [Lindisfarnensis] Monachis, parvuli qui inter illos nutriebantur et instituebantur sub disciplina diligenter quoquo modo evadentes manus hostium, corpus quidem Sancti Confessoris [Cuthberti] comitati sunt; sed tradita sibi districtione paulatim postposita, ecclesiasticam disciplinam odio habuerunt remissioris vitae illecebras secuti. Nec erat qui eos sub ecclesiastica censura coerceret, utpote cultura Dei, destructis monasteriis et ecclesiis penus deficiente. Seculariter itaque omnino viventes carni et sanguini inserviebant, filios et filias generantes: quorum posteri per successionem in ecclesia Dunelmensi fuerunt nimis remisse viventes, nec ullam nisi carnalem vitam quam ducebant scientes, nec scire volentes. Clerici vocabantur, sed nec habitu nec conversatione Clericatum praetendebant; ordinem psalmorum in canendis horis secundum regulam Sancti Benedicti institutum tenuerunt, hoc solum a primis institutoribus Monachorum per paternam traditionem sibi transmissum servantes.'—(Lib. de Exord. et Procurs. Dun. Eccl., praef. pp. 3, 4.)

The Canon Clerics of Durham chant after the manner of the Benedictines.

Simeon, himself the master of song in the minster from which the Canon Clerics had been expelled, again returns to their singing: 'Omnes Monachi varia sunt morte necati, praeter paucissimos qui quoquo modo evaserant. Qui etiam, hac clade de qua nunc agimus superveniente, omnes defecerunt; sed qui inter eos ab aetate infantili in habitu clericali fuerant nutriti atque eruditi, quocunque Sancti Patris [Cuthberti] corpus ferebatur secuti sunt, moremque sibi a Monachis doctoribus traditum in officiis duntaxat diurnae vel nocturnae laudis semper servarunt. Unde tota nepotum suorum successio magis secundum instituta Monachorum quam Clericorum consuetudinem canendi horas, usque tempus Walcheri Episcopi [A.D. 1072-1080], paterna traditione observavit, sicut eos saepe canentes audivimus, et usque hodie [*circa* A.D. 1110], nonnullos de illa progenie narrantes audire solemus.'—(Ibid. lib. II. cap. vi. pp. 97, 98: cf. lib. II. cap. xii. lib. III. capp. i. vi. x. xviii. lib. IV. cap. ii. pp. 113, 142, 143, 155, 156, 169-171, 193, 220.)

The Culdees of Ulster serve as vicars choral in cathedral and collegiate churches.

So the Precentor of Durham lingers on the choral skill of the Canon Clerics, of whose banishment he had been a witness. We learn from Dr. Reeves that after the introduction of Canons Regular into Armagh, the duties of precentor and vicars choral of that primatial church were discharged by the prior and fraternity of Culdees.—(Mem. of Culd. pp. 12, 13.) Archbishop Usher, writing A.D. 1639, says that, within his memory, Culdees had been the vicars choral of other churches in Ulster: 'in majoribus certe Ultoniensium ecclesiis, ut in metropolitica Armachana, et in ecclesia de Cluaoynish Clochorensis dioeceseos, ad nostram usque memoriam, presbyteros qui choro inservientes divina celebrabant officia Colideos, eorumque praesidem Priorem Colideorum appellatum esse novimus.'—(Brit. Eccles. Antiq. cap. xv.; Works, vol. vi. p. 174.)

I may add that the study of skill in song was a

on the Wear to the monastery of St. Wilfrid, the shrines of St. Eata and St. Acca, on the Tyne.[1]

The Culdees of St. Andrews.

When it reached Scotland in the beginning of the twelfth century, it found a lay abbot at St. Andrews;[2] the wide territory of the 'Cursus Apri,' the Boar's Chace, the old endowment of the monastery, in lay hands;[3] the oblations of the altar divided among seven parsons, of whom one was the

Singing cultivated by the Canon Clerics, from the beginning of their order.

duty enjoined on the Canon Clerics from their institution. It is told of St. Chrodegang, by his contemporary, Paul Warnefrid, surnamed the Deacon, that he taught the order which he founded, to chant after the fashion of Rome: 'Hic Clerum adunavit, et ad instar coenobii intra claustrorum septa conversari fecit, normamque eis instituit . . . ipsumque Clerum abundanter lege divina, Romanaque imbutum cantilena, morem atque ordinem Romanae ecclesiae servare praecepit.'—(Acta Sanctorum, Martii t. i. p. 452. edit. Venet. Dr. Pertz, Mon. Hist. Germ. t. ii. p. 268.) The seventh chapter of St. Chrodegang's rule, 'De disciplina psallendi,' enforces the example of the Roman church: 'secundum quod Romana ecclesia tenet;' and chapters CXXXI., CXXXII., CXXXIII., CXXXVII. of the Institutio Canonicorum published by the Council of Aix-la-Chapelle, A.D. 816, are earnest or eloquent on the dignity and duties of the choir: 'quorum melodia animos populi circumstantis ad memoriam amoremque caelestium, non solum sublimitate verborum, sed etiam suavitate tenorum, quae dicuntur, erigat: Cantorem autem, sicut traditum est a sanctis patribus, et voce et arte praeclarum illustremque esse oportet, ita ut per oblectamenta dulcedinis, animos incitet audientium,' etc.—(Labb. et Coss. Conc. t. vii. coll. 1397, 1398, 1401, 1402, 1444, 1449.)

Expulsion of hereditary Clerics from Hexham, A.D. 1113.

[1] A.D. 1113. See Sim. Dunelm. Hist. de Gest. Reg. Angl., in Monum. Hist. Britann. p. 660. Ricard. Hagust. lib. ii. capp. iv. v. viii.-x.; Aelr. Abb. Rievall. de SS. Eccl. Hagu. cap. xi., in Canon Raine's Prior. of Hexh. vol. i. pp. 48, 50, 54-56, 190-193.

From about A.D. 1000, Hexham was ruled, says Canon Raine, 'by a Provost, a person of importance, to whom the title of Thane is occasionally applied. The post seems, as a general rule, to have been a hereditary one. The line of Provosts commences with a descendant of Hunred, one of the bearers of St. Cutbbert's body, who, as Simeon remarks, were rewarded for their toil by the greatness of their posterity . . . Whilst the Provosts had the charge of the land, the ecclesiastical requirements of Hexham and its district were attended to, in one form or another, by a clerical family which held the church as it would a leasehold or a freehold property. The office of priest at Hexham was an hereditary one.'—(Prior. of Hexh. vol. i. pref. pp. l.-lxix. app. no. iv. pp. vii., viii.)

It has been seen (above, p. ccxiii. note) that one of the inheritors of the secularized monastery of Hexham—its Provost, as Canon Raine conjectures—had in the eleventh century the name of 'Cultor Dei,' or 'Culdee.'

Lay abbots of St. Andrews, Abernethy, Brechin, Dunkeld, etc., in the twelfth and thirteenth centuries.

[2] Reg. Priorat. S. Andree, pp. 133, 281, 353, 378. St. Andrews seems to have been in the position of Abernethy and Brechin, as we see them in the charters of the twelfth and thirteenth centuries. 'Their endowments had been divided into two parts. The larger and better portion, together with the name of Abbot, had been usurped by laymen, who transmitted the benefice and title as a heritage to their children. What remained, with the name of Prior, was possessed by ecclesiastics who discharged, probably perfunctorily enough, the duties for the performance of which the whole revenues had been originally assigned by the founders. Such was the condition into which most or all of the ancient monasteries of Scotland had fallen before the twelfth century.'—(Miscell. Spald. Club, vol. v. app. to pref. pp. 60-64.) Comp. Canon Reeves's Mem. of Culdees, pp. 28-30; Dr. Grub's Eccl. Hist. Scot. vol. i. pp. 241-243; Mr. E. W. Robertson's Scotl. and. Early Kings, vol. i. pp. 332, 338, 339.

[3] J. de Ford. Scotichron. lib. vi. cap. 24. Hist. Beat. Regul., in Sir R. Sibbald's Hist. of Fife, pp. 166, 180, 181; in J. Pinkert. Enq. Hist. Scot. vol. i. pp. 460, 461, 464; in the Acta Sanctorum, Octob. t. viii. p. 177; in Dr. Reeves's Mem. of Culd. pp. 108, 109.

The Culdees of St. Andrews.

Bishop, five seem to have been married laymen;[1] the services of the church, such as they were, being performed by a Prior or Provost and twelve Canon Clerics or Culdees, holding their benefices by carnal succession, by hereditary right.[2]

Parsons of St. Andrews, apparently laymen, receiving the oblations of the altar, but taking no part in its service, or in the service of the Church.

[1] 'Personae nihilominus septem fuerunt, oblationes altaris inter se dividentes, quarum septem portionum unam tantum habebat Episcopus, et Hospitale unam; quinque vero reliquae in quinque caeteros dividebantur, qui nullum [*al.* nullo] omnino altari vel ecclesiae impendebant servitium, praeterquam peregrinos et hospites, cum plures quam sex adventarent, more suo hospitio suscipiebant, sortem mittentes quis quos vel quot reciperet. Hospitale sane semper sex et infra suscipiebat . . . Personae autem supra memoratae redditus et possessiones proprias habebant; quas, cum e vita decederent, uxores eorum quas publice tenebant, filii quoque vel filiae, propinqui vel generi, inter se dividebant, nihilominus et altaris oblationes cui non deserviebant; quod puduisset dicere, si non libuisset eis facere. . . . Rege David annuente, oblationes in manibus laicorum, tam virorum quam mulierum, exceptae, in usus ecclesiae sunt receptae.'—(Hist. B. Regul., in Sibb. Hist. Fife, pp. 179, 180, 189; in Pinkert. Enq. Hist. Scot. vol. i. pp. 463-465; in the Acta Sanctorum, Octob. t. viii. p. 177; in Dr. Reeves's Mem. of Culd. pp. 108, 109.)

Seven churches of Kilrymonth: St. Rule's, St. Mary's of the Hengh, Kinglassie, etc.

The seven parsons, it may be supposed, represented the seven churches said to have been built by St. Rule and his companions: 'Postea in Chilrymont sancti viri septem construxerunt ecclesias: unam in honorem Sancti Reguli; secundam in honorem Sancti Aneglas diaconi; tertiam in honorem Sancti Michaelis archangeli; quartam in honorem Sanctae Mariae Virginis; quintam in honorem Sancti Damiani; sextam in honorem Sanctae Brigidae virginis; septimam in honorem Muren cujusdam virginis: et in illa ecclesia fuerunt quinquaginta virgines, de semine Regio procreatae, omnes Deo dicatae, et velatae undecim annis; et sepultae sunt omnes in orientali parte ipsius ecclesiae.'—(Hist. B. Regul., in Pink. Enq. Hist. Scot. vol. i. p. 461; in the Acta Sanctorum, Oct. t. viii. pp. 174-176.)

As at Winchester, so at St. Andrews, the parsons seem to have been the most negligent or corrupt of the whole body of Canon Clerics. See above, p. ccxv. note 1.

Extinction of monastic life at St. Andrews: the church is served by thirteen hereditary Culdees, or Canon Clerics.

[2] 'Sublatis vero a praesenti vita Sanctis . . . qui cum reliquiis Beati Apostoli advenerant, et eorum discipulis atque imitatoribus, cultus ibi religiosus deperierat sicut et gens barbara et inculta fuerat. Habebantur tamen in ecclesia Sancti Andreae, quota et quanta [*al.* qualis ipsa] tunc erat, tredecim per successionem carnalem, quos Keledeos appellant, qui, secundum suam aestimationem et hominum traditionem, magis quam secundum sanctorum statuta patrum, vivebant. Sed et adhuc [*circa* A.D. 1144.] similiter vivunt: et quaedam habent communia, pauciora scilicet et deteriora; quaedam vero propria, plura scilicet et potiora, prout quisque ob amicis suis aliqua necessitudine ad se pertinentibus, videlicet consanguineis et affinibus, vel ab iis quorum animae charae sunt, quod est animarum amici, sive aliis quibuslibet modis, poterit quis [*al.* quid] adipisci. Postquam Keledei effecti sunt, non licet eis habere uxores suas in domibus suis; sed nec alias, de quibus mala oriatur suspicio, mulieres. . . . Non . . . erat qui Beati Apostoli altari deserviret, nec ibi Missa celebrabatur nisi cum Rex vel Episcopus illo advenerat, quod raro contingebat. Keledei namque in angulo quodam ecclesiae, quae modica nimis erat, suum officium more suo celebrabant.'—(Hist. B. Regul., in Sibb. Hist. Fife, pp. 176-179; in Pink. Enq. Hist. Scot. vol. i. pp. 463, 464; in Act. Sanct. Oct. t. viii. pp. 176, 177, t. xi. p. 1037; in Dr. Reeves's Mem. of Cul. pp. 107-109.)

Canon Clerics permitted by their rule to hold property, etc.

The enjoyment during their lives of the income of any estate which they might possess, was expressly permitted to Canon Clerics by the thirtieth chapter of the original rule of their order; and the privilege seems to have beee extended by chapter CXV. of the Institutio Canonicorum of the Council of Aix-la-Chapelle, A.D. 816: 'Canonicis . . . liceat linum induere, carnibus vesci, dare et accipere, proprias res et ecclesiae cum humilitate et justitia habere, quod Monachis, qui secundum regularem institutionem artiorem ducunt vitam, penitus inhibitum est.' Another chapter (CXLII.) granted them the right to have private houses: 'Canonicis proprias licitum sit habere mansiones.'—(Labb. et Coss. Conc. t. vii. coll. 1389, 1403.) A Council at Aix-la-Chapelle, A.D. 828-844, enacted 'ut quilibet Canonicus . . . suum temporale proprium possideret.' See above, p. ccxi. note.

There appears to have been no great difficulty in reclaiming the The Culdees.

Canon Clerics allowed by their rule to appropriate alms, etc.

The thirty-second chapter of the original rule of St. Chrodegang farther permitted the appropriation of any alms which might be offered them for their masses, their psalms or their hymns, for hearing confession, 'seu pro qualibet caro suo'—an expression to which, perhaps, we may trace the origin of the 'ab iis quorum animae charae sunt' in the Historia Beati Reguli. See above, p. ccx. note; and compare Canon Reeves's Memoir of the Culdees, p. 107. note †.

Neglect of divine service by the Canon Clerics of St. Andrews, Winchester, etc.

So far, the Culdee Canon Clerics of Kilrymonth may probably find more or less justification. For the rest, I see little that can be said for them, except perhaps that the neglect of divine service does not appear to have been more flagrant at St. Andrews in the twelfth, than at Winchester in the tenth century. See above, pp. ccxi. ccxii. ccxv.; and compare what Dr. Reeves has quoted from Mabillon as to the service of St. Pancras' church at Rome in the sixth century: 'Hanc prius occupabant Saeculares Clerici, sed ita negligenter rem divinam tractabant, ut saepe nec die Dominico sacra Missarum sollemnia ibidem celebrarent.'—(Mem. of Culd. pref. p. xi.)

Hereditary Canon Clerics in the Beauvoisis, Bretagne, etc., A.D. 1124-27.

In one respect—the perversion of their office into a hereditary right—the Canon Clerics of St. Andrews appear to have gone beyond their brethren at Winchester. But the same gross abuse, as we have seen, obtained at Durham and at Hexham. It obtained, too, on the Continent. Thus, we find Hildebert, bishop of Le Mans, writing to Aymerique, bishop of Clermont, about A.D. 1124: 'Audivimus autem, et ultra quam credi possit admirati sumus, in vestra matre ecclesia hereditario jure Canonicas obtineri. Perniciosa haec et exheredans hereditas . . . Hereditate Canonicum fieri, exire de ecclesia est, non in ecclesiam introire. Qui enim dicunt *Hereditate possideamus Sanctuarium Dei*, nec heredes sunt Dei, nec coheredes Jesu Christi . . . Quid [in ecclesia] sacrae poterunt sanctiones, ubi nascitur, non fit, Canonicus? . . . Vobis, Beatissime Praesul, incumbit de domo Domini hereditarium amovere piaculum; in quod negligenter agere pontificem, pontifici cedit ad poenam,' etc. The eloquent bishop of Le Mans was immediately afterwards promoted to the archiepiscopal see of Tours, and he writes to Pope Honorius II. how he found his province polluted by hereditary priests—'Sanctuarium autem Domini hereditaria successio pollnebat' — and how, in a synod held at Nantes, A.D. 1127, he strove to root out the evil: 'Ordinari filios sacerdotum, nisi prius Canonici Regulares aut Monachi fierent, assensu communi nobiscum synodus interdixit. His autem, quos jam ordinatos constabat, abolendae successionis intuitu, in ecclesiis in quibus patres eorum ministraverant, ministrandi abstulimus facultatem. Praebendas et quaslibet ecclesiae dignitates rigore quo decuit inhibitum est hereditate obtineri.'—(Ven. Hildeb. Turon. Epist. lib. ii. epp. xxix. xxx. xxxi. *al.* lv. lxv. lxvi.; Opera, coll. 126-134. edit. Benedict. 1708.)

Canonries and Provostries bought, sold, bequeathed, etc., at Etampes, Reims, etc., A.D. 1106-1134.

The same prelate inveighs in one of his sermons against making merchandise of Canonries and Provostries: 'Alii praebendas ecclesiarum, quae Canonicae vocantur, vel Praepositurae, facta pactione mercantur, et dicunt se non spiritualia beneficia sed temporalia sola mercari, cum in praesenti ecclesia conjuncta sint temporalia et spiritualia beneficia, sicut in homine conjunguntur corpus et anima, et qui unum emit, alterum inemptum non relinquit,' etc.—(Serm. cxxxv. da divers. xlviii; Opera, coll. 863-865.)

We learn elsewhere that Canonries were openly sold as well by the Canons themselves as by their ecclesiastical superiors. Thus, in A.D. 1106, King Philip I. of France, in granting to the monastery of Morigny the church of St. Martin of Old Etampes, and so much of its abbacy as belonged to the King, prohibits its Canons from selling their Canonries or prebends unless to the Abbot of Morigny. In A.D. 1112, the grant is confirmed by King Lewis VI. who recapitulates and enforces his father's prohibition: 'Canonici dum viverent et vellent, praebendas suas canonice possiderent: vendere vero qualibet occasione, vel cuiquam relinquere nullo modo valerent: sed loco supradicto, id est, Maurigniacensi coenobio, vel viventes sponte sua, vel morientes, omni emptore et successore penitus remoto, dimitterent.' So also, on the other hand, about the year 1120, Pope Callixtus II. writes to the Archbishop of Reims to prohibit the Abbot of Reims from selling the Canonries in a church belonging to his abbey: 'Significatum . . . nobis est, quod in ecclesia SS. Martyrum Timothei et Apollinaris, ad S. Remigii monasterium pertinente, Saeculares Canonici commorentur, quorum aliquo obeunte, S. Remigii Abbas ejus praebendam ex antiquo donare aut vendere consuevit: quod contra

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alienated lands,[1] in suppressing the lay parsons.[2] It was a harder matter to deal with the Culdee Canon Clerics. They refused to be reformed; they were too strong to be dispossessed.[3] But a Priory of Austin Canons Regular was artfully planted beside them[4]—so near as to be within hearing of their chants, within a stone-throw of their altars—and they pined and withered beneath its shade. The Bishop, whose chapter they had been, deserted and depressed them, transferring his patronage and his presence to their rivals, within whose precinct he hastened to build a new cathedral, the little Romanesque church and tower which have received the name of St. Rule.[5] It was not twenty years old, before the

Deum et contra Sanctorum Patrum instituta existere Tua Prudentia non ignorat. Mandamus itaque . . . ut S. Remigii Abbas praebendam deinceps donare aut vendere non praesumat; sed deficientibus Canonicis, qui ad praesens in eadem ecclesia commorantur, loco eorum constituantur Monachi,' etc.—(Mabill. De Re Diplomat. lib. VI. nn. clxviii. clxix. clxxvii. pp. 593, 598, 599. edit. 1709.)

[1] J. de Ford. Scotichron. lib. vi. cap. 24. Hist. B. Regul., in Sibb. Hist. Fife, p. 180; in Pinkert. Enq. Hist. Scot. vol. i. p. 464; in the Acta Sanctorum, Octobr. t. viii. p. 177; in Dr. Reeves's Mem. of Culd. pp. 108, 109.

[2] Hist. B. Regul., in Pinkert. Enq. Hist. Scot. vol. i. p. 465; in the Acta Sanctorum, Oct. t. viii. p. 177. Regist. Priorat. S. Andr. pp. xxxiv. 125, 129.

Terms offered by Saint David to the Culdees of Kilrymonth: (i.) they may become Canons Regular, if they will; (ii.) if they choose rather to continue Culdees, they may keep their possessions so long as they live; (iii.) when they die, Canons Regular must be appointed in their stead, etc., A.D. 1144-47.

[3] King David I. offered better terms to the Canon Clerics of St. Andrews than were offered by King Edgar to the Canon Clerics of Winchester, by the Conqueror to the Canon Clerics of Durham: 'Dauid Rex Scotorum . . . Sciatis me dedisse . . . Priori et Canonicis suis ecclesie Beati Andree Apostoli, ut recipiant Kelledeos de Kilrimont in Canonicos secum cum omnibus possessionibus et redditibus suis, si uoluerint Canonici fieri; et si noluerint Canonicari hii qui nunc uiuunt habeant et teneant possessiones suas in uita sua; et post obitum illorum instituantur loco eorum tot Canonici in ecclesia Sancti Andree quot sunt Kelledei, et omnia predia et omnes terre et elemosine eorum quas habent conuertantur in usus Canonicorum predicte ecclesie,' etc.—(Regist. Priorat. S. Andree, p. 186.) Cf. Theiner, Vet. Mon. Hib. et Scot. pp. 53-55.

The saintly King was not always so kind. He speaks in another tone to another order of Culdees, the Hermit-Monks of St. Serf's Inch: 'Dauid Rex Scotorum. . . . Sciatis me . . . dedisse Canonicis Sancti Andree insulam de Lochleuen, ut ipsi ibi instituant Ordinem Canonicalem; et Keledei, qui ibidem inuenti fuerint, si regulariter uiuere uoluerint, in pace cum eis et sub eis maneant; et si quis illorum ad hoc resistere noluerit, uolo et precipio ut ab insula eiciatur.'—(Baedae Oper. Hist. app. no. xx. p. 762. edit. Cantab. 1722. Anders. Diplomat. Scot. pl. xii. Regist. Priorat. S. Andr. pp. xvi. 188, 189. Dr. Raine's N. Durh. app. no. xxvi. p. 6.)

Terms offered by King David I. to the Culdee recluses of Lochleven, A.D. 1144-50.

This is in the spirit, almost in the words, of St. Dunstan: 'Aut canonice est vivendum, aut de ecclesiis exeundum.'—(Lib. Eliens. lib. ii. cap. 51. p. 160. edit. 1848.)

[4] A.D. 1144. See Regist. Priorat. S. Andr. pp. 122, 123; Hist. B. Regul., in Pinkert. Enq. Hist. Scot. vol. i. pp. 466, 467; in the Acta Sanctorum, Octobr. t. viii. pp. 177, 178. Wynt. Chron. book VII. chap. vi., vol. i. pp. 293-295.

Building of St. Rule's or the Old Cathedral of St. Andrews, A.D. 1128-44.

[5] 'Ordinatus igitur Episcopus [A.D. 1127-8], atque ad sedem propriam reversus, quod anhelabat in pectore, exercere studebat in opere, ut ecclesia, videlicet, ampliaretur, et cultui divino dedicaretur. In multis tamen, et ante ordinationem et post, adversatus est ei Satanas. Multas sustinuit injurias et contumelias. . . . Portiunculam autem septimam altaris, quae in eum contingebat, et quam de propriis usibus suis subtrahebat, in ecclesiae opus expendebat. Sed quoniam impensa erant modica, modice erigebatur et fabrica; donec, Domino cooperante, et proxime Rege David annuente, oblationes in manibus laicorum, tam viro-

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rapidly growing prosperity of the Bishopric and the Priory demanded a more spacious temple; and King Malcolm the Maiden witnessed the foundation of that now ruined cathedral,[1] which Bruce saw consecrated, bestowing on its canons a hundred merks yearly in token of his devotion and gratitude 'for the signal victory vouchsafed to the Scots at Bannockburn by St. Andrew, the guardian of their realm.'[2]

Meanwhile the fortunes of the Culdee Canon Clerics had been waning fast. Their sacred family, the little priestly caste which had possessed the church as an inheritance, died out or disappeared. Their successors gradually lost all voice in the election of the Bishop.[3] They lost their cure of souls;[4] they lost their charge of the hospital for the sick and the poor, the pilgrim and the stranger.[5] Their claim to be regarded as

rum quam mulierum, exceptae, in usus ecclesiae sunt receptae. Dein ubi magis quod daret ad manum haberet, magis ac magis opus accelerabat. Basilica igitur in fundamentis inchoata, et ex majori jam parte consummata, domibus quibusdam inceptis, quibusdam ita exactis, cum claustro, ut jam possent habitatores introduci, qui non nimia quaererent,' etc.—(Hist. B. Regul. in Sibb. Hist. Fife, p. 189; in Pinkert. Enq. Hist. Scot. vol. i. p. 465; in the Acta Sanctorum, Oct. t. viii. p. 177.)

Bishop Robert died in A.D. 1159, and was buried in the cathedral which he had reared—the 'antiqua ecclesia,' as it was called after the new cathedral—the 'nova ecclesia,' the 'magna ecclesia'—began to be built.—(J. de Ford. Scotichron. lib. v. cap. 28; lib. vi. capp. 24, 35, 42, 43, 44, 52.)

The New or Great Cathedral of St. Andrews: its foundation, A.D. 1160;

[1] A.D. 1160. 'Episcopus Ernoldus, cum Rege Malcolmo, fundavit ecclesiam magnam Sancti Andreae.'—(J. de Ford. Scotichron. lib. vi. cap. 35. Wynt. Chron. book VII. chap. vii., vol. i. pp. 315, 316.)

its consecration, 5. Jul. 1318.

[2] A.D. 1318. 'Tertio Nonas Julii, dedicata est magna ecclesia Sancti Andreae Apostoli in Scotia per Dominum Willelmum de Lambirton episcopum ejusdem. In cujus dedicatione pro divini cultus augmentatione, Dominus Robertus Rex, in praesentia septem episcoporum, decem et quinque abbatum, et omnium fere regni nobilium, tam comitum quam baronum, personaliter constitutus, ob insignem victoriam Scotis per Beatum Andream, Protectorem regni, apud Banockburn exhibitam, centum marcas sterlingorum de cofris suis singulis annis obtulit percipiendas.'—(J. de Ford. Scotichron. lib. xii. cap. 37.) Cf. Wynt. Chron. book VIII. chap. xxi., vol. ii. p. 131; Regist. Priorat. S. Andr. p. xxvi. no. 14.

[3] Regist. Priorat. S. Andr. p. 49. Theiner, Vet. Mon. Hib. et Scot. pp. 39, 59, 60, 67. J. de Ford. Scotichron. lib. vi. capp. 43, 44, 45.

[4] Regist. Priorat. S. Andr. pp. 37, 55, 58, 63, 132, 133, 143, 151, 171, 172, 193, 194, 348. Appendix to the Preface, XXXII.

Culdee Hospital at St. Andrews.

[5] Hist. B. Regul., in Sibb. Hist. Fife, p. 179; in Pinkert. Enq. Hist. Scot. vol. i. p. 463; in the Acta Sanctorum, Octobris t. viii. p. 177. Regist. Priorat. S. Andr. pp. 123, 190.

Mr. E. W. Robertson has remarked how often Culdees are found associated with Hospitals, and how in one case the term 'Kildey' is used as the equivalent of 'Hospital.'—(Scotl. und. Earl. Kings, vol. i. pp. 333, 338, 340.) Comp. Dr. Reeves's Mem. of Culd. p. 108, note §.

The maintenance of Hospitals enjoined on Canon Clerics by the rule of their order, A.D. 816.

I may add that provision for the erection, the maintenance, the management of Hospitals, is made in chapter CXLI. of the Rule for the order of Canon Clerics, promulgated by the Council of Aix-la-Chapelle, A.D. 816: 'Oportet ut Praelati ecclesiae . . . aliquod praeparent receptaculum, ubi pauperes colligantur, et de rebus ecclesiae tantum ibidem deputent, unde sumptus necessarios juxta possibilitatem rerum habere valeant . . . Sed et Canonici, tam de frugibus, quam etiam de omnibus

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regular clergy was renounced or abandoned; they silently subsided into a chapter of secular priests. Their name of Culdee began to be set aside as unmeaning or uncouth. Before a Stewart came to the throne, it seems to have been heard no more.[1]

But, however diminished in numher or impaired in wealth, their hencfices still remained. If no longer cathedral, nor conventual, nor even parochial, their ancient church of St. Mary of the Crag, Our Lady College of the Heugh, where a Scottish King had ruled as abhot in the tenth century,[2] was yet venerated for its sanctity by the people,[3] was yet the

eleemosynarum ablationibus, in usus pauperum decimas libentissime ad ipsum conferant Hospitale. Et boni testimonii de ipsa congregatione frater constituatur, qui hospites et peregrinos adventantes, utpote Christum in membris suis, suscipiat, eisque necessaria libenter pro viribus administret. . . . Clerici namque si aliis temporibus nequeunt, saltem Quadragesimae tempore pedes pauperum in competenti lavent Hospitali, juxta illud Euangelicum: *Si Ego Dominus et Magister lavi vobis pedes, quanto magis vos debetis alter alterius lavare pedes?* etc. Quapropter expedit nt in competenti loco Hospitale sit pauperum, ubi perfacilis ad illud veniendi conventus possit fieri fratrum.'—(Labb. et Coss. Conc. t. vii. col. 1403.)

Culdee Hospital at York.

It has been seen that when the Culdees of York were ejected from the Minster, by Archbishop Thomas of Bayeux, they transferred themselves to an Hospital: 'Ipsi Colidei erexerunt . . . in civitate Eboraci . . . quoddam Hospitale sive maosecolam pauperibus ad ipsam civitatem confluentibus . . . ipsisque pauperibus, pro ipsorum meliori gubernatione . . . dicti Colidei sive Clerici, unum ex seipsis praefecerunt.'—(Monast. Anglican. vol. vi. pp. 608, 609.)

The Culdees of St. Andrews are variously styled 'Clerics,' 'Secular Canons,' 'Culdees assuming to be Canons,' 'Culdees calling themselves Canons,' etc.

[1] In A.D. 1220, we have 'quosdam Clericos de S. Andrea qui Keledei vulgariter appellantur.' In A.D. 1228, they seem to be spoken of as 'Clerici Seculares.' One of their number is called 'Canonicus Secularis' in A.D. 1239, 'Keledeus' in A.D. 1250. In the samo year we fiod them designated 'Keledeos se gerentes pro Canonicis.' In A.D. 1253, they are variously styled 'Prepositus et Capitulum ecclesie Sancte Marie civitatis Sancti Andree,' and 'Prepositus et Keledei capelle Sanctae Mariae.' In A.D. 1255, they are described as 'Kaledei ecclesie Sancte Marie de Kilremont civitatis Sancti Andree, qui se Canonicos nominant.' Their Prior or Provost—a brother of the last Earl of Buchan, nf the great race of Cumyn—is called 'Prepositus Sancti Andree,' 'Pronost del eglise de Seiot Andreu,' in A.D. 1296; 'Kaledeorum Praepositus' in A.D. 1297, and A.D. 1309; 'Prepositus ecclesie Sancte Marie civitatis Sancti Andree,' in A.D. 1306; 'Praepositus Capellae Regiae,' in A.D. 1309 and in A.D. 1328. The last time when I observe them spoken of as Culdees is in A.D. 1332.—(Theiner, Vet. Mon. Hib. et Scot. pp. 16, 27, 39, 53-55, 59, 60, 67. Sibb. Hist. Fife, p. 194. Ragman Rolls, pp. 93, 94. Sir F. Palgr. Doc. Illust. Hist. Scot. p. 327. Rot. Scot. vol. i. p. 67. Dr. Reeves's Mem. nf Culd. pp. 114-116.)

King Constantine mac Aodh becomes Abbot of the Culdees of St. Andrews, A.D. 943.

[2] A.D. 943. 'Rex Scotorum Constantinus . . . regno sponte dimisso, religionis in habitu Deo serviens, apud Sanctum Andream Killideorum abbas effectus, annis quinque vixit; ibique moriens sepultus est.'—(J. de Ford. Scotichron. lib. iv. cap. 25.)

Culdee Church, of St. Mary of the Heugh, the Chapel Royal of Scotland, denounced a profane place at the Reformation, A.D. 1561.

[3] The church seems to have been held in such reverence to the last, that the Reformed Church took the unusual step of proclaiming it formally desecrated or secularized. In April 1561, the Superintendent nf Fife, the ministers, elders, and deacons of St. Andrews, 'decernit and suspendit' 'the Lady College Kyrk vpon the Hewch' to be 'noe prophane hows, and as to be baldyn in tyme cuming.'—(Miscell. Maitl. Club, vol. iii. p. 270.)

Henceforth, probably, the building was deserted and fell fast to ruin. Its foundations, which have lately been laid bare, stand, eastward from St. Rule's, outside the Priory wall, on a precipice overlooking the sea. They show a choir, a nave, and north and south transepts, apparently of different ages, but chiefly of the thirteenth century. See Proceed. Soc. Ant. Scot. vol. iv. pp. 74-86.

Chapel Royal of Scotland.[1] If, through failure of the Culdee blood and lineage, its offices were no longer filled by carnal succession, if the right of nominating its Provost and Prebendaries had passed to the Crown, the spiritual collation of the Provost—and the Provost had the collation of the Prebendaries—was still carefully excluded.[2] The Ordinary was

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Seal of the Chapel Royal at St. Andrews.

[1] Its seal had, on one side, the Virgin and Child; on the other, 'a King crowned, sitting with a long close mantle and garment, girt in the middle, very antique, holding a sword in his right hand, and a monde or globe in his left; with the circumscription: S. CAPITULI ECCLESIE SANCTE MARIE CAPELLE DOMINI REGIS SCOTTORUM.'—(Reliq. D. Andr. p. 209.)

Presentation and institution to the Chapel Royal at St. Andrews, by the King's ring, A.D. 1496-1513.

[2] See Appendix to the Preface XXXVI: 'Donatie Capelle Regie Collegiate per Regem pleno jure Regali.'

The writ is without date, but it institutes 'Sir J. K.' to the Provostry vacant by the death of 'Master J. A.'—that is, apparently, James Allardyce, who held the office from A.D. 1480 to A.D. 1496.—(Act. Parl. Scot. vol. ii. p. 153. Act. Dom. Audit. p. 138*. Reg. Nigr. de Aberbr. pp. 210, 240, 298.)

Presentation and institution to the Chapel Royal at St. Andrews, 2. Aug. 1309.

There is record of a gift of the Provostry by King Edward II. of England: 'Rex omnibus ad quos etc. salutem. Sciatis quod dedimus et concessimus dilecto clerico nostro Willelmo de Rasen, Preposituram Capelle nostre ville Sancti Andree in Scotia, vacantem per resignacionem Magistri Willelmi Comyn de Boghan, et ad nostram donationem spectantem: Habendam cum juribus suis et pertinentiis quibuscunque. In cujus, etc. Teste Rege apud Staunford secundo die Augusti. Per breve de privato sigillo.'—(Rot. Scot. vol. i. p. 67.)

The omission of the accustomed clause reciting the issue of letters to the Ordinary—'Et diriguntur litere Episcopo;' 'Et diriguntur litere Custodi Spiritualitatis Episcopatus,' etc.—shows that the Bishop's collation was excluded, that the King both presented and instituted.

Investiture of the see of St. Andrews, A.D. 1120: Bishop Eadmer refuses the staff, but accepts the ring, from the King's hands.

Institution or investiture by the lay patron had ceased in England, but still prevailed in Scotland, when Eadmer of Canterbury was chosen Bishop of the Scots, in A.D. 1120. The disciple, companion, and biographer of St. Anselm was permitted to take the staff from the altar, as if receiving it of the Lord. But he had to accept the ring from the King's hand, and the gloss which he seeks to put upon his compliance, seems to show that he was not quite easy under it: 'Annulum quidem, quem de manu illius suscepi, libens reddam, ea re quod nihil potestatis quae eo significatur accepi, laico scilicet dante, cui tale quid nihil attinet.'—(Eadmer. Hist. Nov. lib. v. p. 133. edit. 1623.)

Abolition of institution by the lay patron in Scotland, A.D. 1120-4.

The King of Scots—following the example of his sister's husband, his wife's father, King Henry I. of England—appears immediately afterwards to have abandoned his claim to give ecclesiastical investiture:

> 'Than ordanyd wes als that the Kyng,
> Na na lawyd patrowne, be staff na ryng,
> Suld mak fra thine collatyowne,
> Or suld gyve institutyowne
> Of byschaprykis or abbasyis,
> Or ony kyrkis benefyis;
> Bot barly that the patrowne
> Suld gyve his presentatyowne.'

—(Wynt. Chron. book VII. ch. v. ll. 115-126.)

Peculiar position of the Culdees of Kilrymonth, A.D. 1144-1253.

But even if a Culdee of St. Andrews had been willing to quit his old right of hereditary succession, and to accept a presentation, the compromise would have availed him nothing. For the King had enjoined—and the injunction was sanctioned and renewed by eight successive Popes—that whenever a Culdee died, a Canon Regular should be instituted in his place.—(Reg. Priorat. S. Andree, pp. 49, 52, 60, 65, 69, 74, 79, 101, 186.)

Unless the Culdees, therefore, had been prepared to resign themselves to sure and speedy extinction, nothing was left for them but to fill up their vacant benefices as they best could, without presentation, without institution. That they were able in such a way to hold their own so long against the King and the Pope, shows how firmly they must have been rooted. When the design of suppressing them was relinquished or forgotten—when they were recognised as the priests of the Chapel Royal of Scotland—the institution of their Prior or Provost seems to have been silently resumed by the Crown, the collation of the other benefices being left to the Prior or Provost.

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Archbishop and Metropolitan of St. Andrews, Primate of all Scotland, Legate Natus of the Apostolic See. But the old tradition prevailed against his swelling titles, his high prerogatives; and, on the eve of the Reformation, in the reign of King James the Fourth, in the episcopate of a pupil of Erasmus, the successor and representative of the Culdee Prior of Kilrymonth continued, as at the close of the eleventh century, in the reign of King Malcolm Ceanmor, in the episcopate of Fothadh mac Malmykel, to be instituted by the finger ring of the lay patron, the King of the Scots.

JOSEPH ROBERTSON.

REGISTER HOUSE, EDINBURGH,
26th June 1866.

APPENDIX TO THE PREFACE.

TABULA.

FORMULAE.

SYNODI DIOECESIS SANCTIANDREAE.

QUAEDAM AD ECCLESIAM SCOTICANAM SPECTANTIA.

APPENDIX.

Compulſio pro perſonis eccleſiaſticis·

I. Robertus [Dei gracia Rex Scotorum] juſticiariis vicecomitibus prepoſitis et eorum balliuis ceteriſque miniſtris et fidelibus noſtris ad quos preſentes litere peruenerint ſalutem Vniuerſitati veſtre tenore preſencium declaramus quod non eſt noſtre intencio voluntatis cum fideles noſtros *Tales* abbatem et monachos ſeu canonicos *Talis* monaſterii ſeu eccleſie de terris et redditibus quantumcunque infeodauerimus aliquod detrahere minuere uel auferre de terris redditibus can[is] ſeu cenſibus annuis Deo et eccleſie ac perſonis eccleſiaſticis per nos ſeu prediſtos [*l.* predeceſſores] noſtros Reges Scocie ſeu queſcunque alios de regno noſtro deuote collatis Ymmo pocius volumus quod tales infeodaciones per nos facte ſeu de cetero faciende nullum preiudicium Deo et eccleſie et perſonis eccleſiaſticis generent infuturum quominus terris redditibus canis et cenſibus annuis vna cum omnibus arreragiis de quibuſcumque terminis retroactis gaudere valeant ut ſolebant Quare vobis omnibus et ſingulis mandamus et precipimus quatinus cum per venerabilem virum · P · Dei gracia Epiſcopum Brechinenſem uel eius actornatum fueritis requiſiti omnes et ſingulos infra ballias veſtras qui dicto Epiſcopo firmas redditus canas uel cenſus annuos eidem debitos iniuſte detinent ab eodem uel ſoluere ſibi contradicunt prout dictus Epiſcopus uel dictus eius actornatus dictas firmas canas uel cenſus annuos cum eiſdem arreragiis ſibi deberi ab eiſdem racionabiliter probare poterit

uel poterint coram vobis prout iuſtum fuerit compellatis ita quod pro veſtro defectu amplius inde iuſtam queremoniam non audiamus Preſentibus poſt annum minime valituris [etc·]·

Litera capcionis generalis excommunicatorum·

II. Robertus Dei gracia Rex Scotorum juſticiariis vicecomitibus prepoſitis [et] eorum balliuis ad quos preſentes litere peruenerint ſalutem Mandamus vobis et precipimus quatinus omnes illos in veſtris balliis ſeu burgis quos per reuerendum in Chriſto patrem Willelmum Epiſcopum Sanctiandree uel eius Officialem vobis conſtiterit in ſentencia maioris excommunicacionis per quadraginta dies et amplius contemptis Sancte Matris Eccleſie clauibus contumaciter perſtitiſſe per capcionem et incarceracionem eorundem corporum ad ſatiſfaciendum Deo et eccleſie ita celeriter compellatis quod pro veſtro defectu amplius inde iuſtam queremoniam non audiamus Preſentibus poſt annum minime valituris [etc·]·

Litera capcionis excommunicatorum quando Epiſcopus denunciauit Regi per literas patentes·

III. Robertus [Dei gracia Rex Scotorum] vicecomiti et balliuis ſuis ſalutem Significauit nobis venerabilis pater in Chriſto Walterus Dei gracia Epiſcopus Sanctiandree per literas ſuas patentes in ſubſidium Sancte Matris Eccleſie noſtre Regie dignitatis brachium inuocando ſeculare quod · A · per quadraginta dies et amplius in ſentencia excommunicacionis exſtiterit claues eccleſie miſericorditer contempnendo Quare vobis mandamus et precipimus quatenus dictum · A · ubicunque infra balliam veſtram poterit inueniri per capcionem et incarceracionem corporis ſui ad ſatiſfaciendum Deo et Eccleſie Sancte ita celeriter compellatis quod pro veſtro defectu amplius inde iuſtam queremoniam non audiamus Preſentibus poſt annum [minime valituris etc·]·

Litera capcionis ſuper certa perſona qnando non denunciatur Epiſcopo per literas patentes ·

IV. Robertus [Dei gracia Rex Scotorum] vicecomiti etc · salutem Vobis precipimus quatenus [*Talem*] qui in quadraginta dies et amplius in ſentencia excommunicacionis extiterit claues ecclesie contempnendo per capcionem et incarceracionem corporis ipſius ad satiffaciendum Deo et ecclesie sancte ubicumque ipſum infra balliam veſtram poteritis innenire ita celeriter compellatis quod a venerabili patre Willelmo Dei gracia Epiſcopo Sanctiandree uel eius Officiali ſuper hoc decetero iuſtam queremoniam non audiamus Preſentibus poſt annum minime valituris In cuius rei teſtimoninm [etc ·] ·

Capcio religioſorum apoſt[at]ancium ·

V. Robertus [Dei gracia Rex Scotorum] juſticiariis vicecomitibus prepoſitis et eorum balliuis et coronatoribus ad quos preſentes litere peruenerint ſalutem Cum Regie poteſtati honeſtum ſit et ſalubre sanctam religionem in melius Domino propiciante fouere et defendere et benigne gubernare et quod regimini sancti ordinis conſtaro dinoſcitur per brachii ſecularis potenciam corrigendo dimittitur ſupplere Vobis mandamus et precipimus firmiter quatinus cum Fratres Profeſſi ordinis Predicatorum infra regnum noſtrum converſantes inſtigacione Diabolica a ſtatu ſue profeſſionis appoſtatauerint et cohercionibus ſalubribus ſuperiorum ſuorum conviciati fuerint inſolenter quos Vicarius uel Prior uobis duxerit nominandos nbicumque infra ballias veſtras inuenti fuerint capj faciatis et eidem Vicario ſeu Priori liberari Ita uiriliter operantes quod a dicto Vicario nullam ſuper hoc queremoniam iuſtam audiamus In cuius rei teſtimonium [etc ·] ·

Litera prohibicionis directa Epiſcopo ·

VI. Rex *Tali* [Epiſcopo de · N · vel] Archidiachono Decano uel eorum Officiali ſalutem Monſtrauit nobis · A · grauiter conquerendo quod · P · iniuſte cum

trabit in placitum coram vobis in foro ecclefiaftico fuper laico tenemento de · A · quod de nobis tenet in capite uel per cartam cuius cognicio quidem ad forum noftrum Regium de iure debeat pertinere Quare vobis mandamus et firmiter inbibemus quod fi ita fit ficut dictus · A · nobis monftrauit in dicta caufa non procedatis in preiudicium noftre Regie dignitatis Ita quod pro veftro defectu et noftre prohibicionis contemptu non oporteat dictum · A · ad nos fuper hoc recurrere iufte conquerendo per quod ad vos et ad bona veftra grauiter capiamus uel aliud remedium apponere debeamus Teftibus etc ·

Vel fic In caufam coram vobis pendentem in foro ecclefiaftico fuper laico tenemento de · A · quod de nobis tenet in capite cuius cognicio quidem ad forum noftrum Regium de iure debeat pertinere Quare etc · *ut fupra* ·

Littera prohibicionis directa Abbati ·

VII. Robertus Dei gracia [Rex Scotorum] Abbati monafterii de Balmorynaucht falutem Monftrauit nobis · A · grauiter conquerendo etc · *ut fupra* Quare vobis mandamus quatinus defiftatis fi ita fit etc. Sicut curia noftra uobis non defuit de iufticia Tantum inde facientes quod amplius inde iuftam queremoniam non audiamus Prefentibus poft annum minime valituris [etc ·] ·

Litera prohibicionis directa Epifcopo ·

VIII. Robertus Dei gracia [Rex Scotorum] venerabili in Chrifto patri Johanni Dei gracia Epifcopo de · T · vnico iudic[i] a Domino Papa delegato dilecto et fideli fuo uel eius Commiffario vni uel pluribus falutem Conqueftus eft nobis [*Talis*] quod *Talis* trahit ipfum in caufam in curia Chriftianitatis coram vobis auctoritate delegata fuper laico tenemento de *Tali* terra de qua facit forinfecum feruicium cuius quidem cognicio ad forum noftrum Regium de iure debeat pertinere Quare vobis mandamus in fide et fidelitate etc ·

quatinus si ita sit in dicta causa in preiudicium etc · Sicut curia nostra [uobis non defuit de iusticia etc · *ut supra*] ·

Compulsio sequens prohibicionem ·

IX. Robertus Dei gracia [Rex Scotorum] Omnibus probis hominibus etc · salutem Sciatis quod precepimus per literas nostras *Tali* quod in prosecucione cause in curia Christianitatis quam prosequimur coram *Tali* vnico iudice etc · contra *Talem* super quodam laico tenemento Quare vobis mandamus et precipimus quatinus si ita sit per omnia bona sua infra balliam suam iuste compellatis donec a dicta prosecucione penitus cessauerit Tantum inde facientes quod pro vestro defectu amplius inde iustam querimoniam non audiamus Presentibus post [annum minime valituris etc ·]

Litera Procuratoria [Abbatis de Aberbrothoc ad comparendum pro eo in causis eum tangentibus in Synodo Archiepiscopi Sanctiandree ·]

X. Vniuersis pateat per presentes nos Dauid permissione diuina Abbatem monasterij Sancti Thome martyris de Aberbrothoc ordinis Sancti Benedicti et eiusdem loci conuentum vnanimi consensu et assensu capituli nostri fecisse constituisse et ordinasse tenoreque presencium facere constituere et ordinare venerabiles et religiosos viros · Alexandrum Masoun priorem de Fywe · Thomam Tullo suppriorem · Thomam Bet granitarium · Johannem Dryburch cellerarium · Robertum Cuby · Ricardum Scot · Jacobum Lawsoun · et Robertum Gray · et eorum quemlibet insolidum coniunctim et diuisim · nostros veros legittimos et indubitatos procuratores actores factores et negotiorum nostrorum gestores ac nuncios speciales et generales · ita quod specialitas generalitati non deroget nec e contra · et quod non sit melior condicio occupantis inter eos set quid vnus eorum inciperit alter eorum prosequi valeat mediare et finire · dantes et concedentes eisdem nostris procuratoribus et eorum cuilibet nostram plenariam potestatem et

mandatum ſpeciale ac generale ad comparendum pro nobis et nomine noſtro in omnibus et ſingulis cauſis et litibus nos tangentibus in Sinodo · xxiiij · die menſis Aprilis tenenda in Ecclesia Metropolitana Sanctiandree coram reuerendiſſimo in Chriſto patre ac domino · Willelmo Dei et Apoſtolice Sedis gratia Archiepiſcopo Sanctiandree · eiuſque Vicariis Generalibus vel Commiſſariis pluribus aut vno · necnon omnibus et ſingulis aliis iudicibus eccleſiaſticis ſeu ſecularibus infra regnum Scocie vbilibet locorum conſtitutis · de et ſuper omnibus et ſingulis negociis iuribus rebus eccleſiaſticiſque accionibus et querelis quas mouet aut mouere intendit aut mouent ſeu mouere intendunt contra et aduerſus nos · ac pro nobis et nomine noſtro ad agendum et defendendum · libellum ac libellos dandum et recipiendum · litem ſeu lites conteſtandum et conteſtare videndum · juramentum de calumpnia et veritate dicendum ponendum et articulandum · teſtes literas inſtrumenta et ſingula quecunque alia procuracionum genera producendum et produci videndum · contra et ex aduerso producta opponendum reſpondendum accipiendum replicandum duplicandum triplicandum et ſi neceſſe fuerit quadruplicandum · ſententias quaſcunque tam interlocutorias quam diffinitiuas fieri petendum · ab ipſis et a quolibet alio grauamine appellandum intimandum inſiſtendum et proſequendum · componendum concordandum compromittendum · compromiſſum fide et pena vallandum · vnum quoque aut plures procuratorem aut procuratores ſubſtituendum qui eandem et conſimilem habeant ſeu habeat poteſtatem · et generaliter omnia et ſingula alia faciendum gerendum et exercendum que in premiſſis et circa ea neceſſaria fuerint ſeu etiam oportuna · ratum gratum habentes et habituri totum et quicquid dicti noſtri procuratores ſeu eorum alter / aut ſubſtitutus ſeu ſubſtituti ab eis ſeu eorum altero in premiſſis rite et legaliter duxerit ſeu duxerint faciendum que noſmetipſi faceremus · ſi vnanimi preſentia perſonaliter intereſſemus · Datum ſub ſigillo communi dicti noſtri monaſterij in loco noſtro capitulari decimo nono die menſis Aprilis · Anno Domini · 1487 ·

Commiſſio ad tenendum Synodum pro Archiepiſcopo abſente·

XI. Andreas [miſeratione diuina Archiepiſcopus Sanctiandree totius regni Scotie Primas Apoſtolice Sedis Legatus Natus ac per vniuerſum regnum predictum eiuſdem Sedis cum poteſtate et facultate Legati de Latere Legatus] Vniuerſis et ſingulis Sancte Matris Eccleſie filijs ad quorum notitias preſentes litere peruenerint Salutem in omnium Saluatore In Pontificalis culminis ſpecula diuine gratie munere collocati/nichil magis noſtri eſſe officij duximus/quam ſedulo ac diligenter omnia circumſpicere/ que ad Eccleſie noſtre Metropolitane et regni Primatialis Sanctiandree regimen/et gubernationem/ac Catholici nobis commiſſi gregis cuſtodiam/ incolumitatem/et augmentum/pertinere poſſent/et in hocipſum omnes induſtrie neruos/omnes animi ingenijque vires/apponimus/et pro poſſibilitate ſtudemus· Hinc eſt quod ſecundum iura/ut a noſtris predeceſſoribus laudabiliter noſcitur inſtitutum/Synodum Generalem annis ſingulis ſemel iuxta eccleſie noſtre Conſtitutiones/apud eandem noſtram Eccleſiam Sanctiandree per nos aut noſtros ad hoc pro tempore deputatos Commiſſarios/tenere et celebrare aſtringimur/Sed quia alijs arduis Regis noſtri Sereniſſimi regni ac reipublice eiuſdem legitime prepediti negotijs/ ad tenendum et celebrandum noſtram proximam Synodum in dicta noſtra Eccleſia Metropolitana Sanctiandree commodo intereſſe non poſſumus/ Propterea de circumſpectionibus prudentijs literarum ſcientijs viteque ac morum honeſtatibus quibus venerabiles viros·N·et·N·noſcimus prefulgere ad plenum in Domino confidentes/ſperantes indubie quod ea que eijs duxerimus committenda ad Omnipotentis Dei laudem noſtrique et eccleſie noſtre honorem fideliter exequentur Ipſos propterea et eorum quemlibet coniunctim et diuiſim noſtros in hac parte Commiſſarios ad infraſcripta exequenda noueritis feciſſe conſtituiſſe et ordinaſſe prout preſentium tenore facimus conſtituimus et ordinamus Dantes concedentes et committentes prefatis noſtris Commiſſarijs et eorum cuilibet coniunctim et diuiſim noſtram veram liberam puram et expreſſam poteſtatem ac mandatum ſpeciale pro

nobis et nomine noſtro dictam noſtram proximam Synodum die Martis videlicet die · N · menſis · N · inſtantis / in dicta noſtra Eccleſia Metropolitana Sanctiandree tenendam / celebrandi clerum vocandi interrogandi et examinandi Contumaces non venientes alioſque culpabiles aut preceptis eorum obedire contempnentes ſiue ante cauſarum ſuarum examinationes a dicta Synodo abire preſumentes / ſuſpendendi excommunicandi mulctandi et puniendi Capitulum et Capitula ſtatuendi et tenendi / in eiſdemque eccleſiaſticorum et clericorum omnium noſtrorum dioceſanorum exceſſus inquirendi corrigendi / ac eorum mores reformandi Mulctas et penas imponendi et propter pios vſus illas in pecuniarias et temporales penas commutandi / Obedientias beneficiatorum nobis jure Ordinario debitas et preſtari ſolitas recipiendi et admittendi Cum cleri conſilio ea que pro eccleſie et dioceſis noſtrarum vtilitate commodo et honore / ac dioceſanorum noſtrorum animarum ſalute comperta fuerint ſtatuendi et ordinandi Statuta et Ordinationes edendi et faciendi / Cauſas queſtiones et querelas in Synodo et Capitulo predictis decidi et terminari ſolitas et conſuetas decidendi determinandi et declarandi Statuta noſtra Synodalia legendi et publicandi ſeu legi et publicari faciendi / Curatos ad miniſtrandum in curis eccleſiarum / preuia tamen eorum ſufficienti examinatione admittendi / et inydoneos ab eiſdem ſuſpendendi et remouendi / Citandi vocandi monendi ſuſpendendi excommunicandi aggrauandi reaggrauandi et interdicendi / et ſi opus fuerit auxilium brachii ſecularis inuocandi / et ab eiſdem et earum qualibet totiens quotiens opus fuerit et eijs ſeu eorum alteri viſum fuerit expediens relaxandi et abſoluendi Aliaque omnia et ſingula in premiſſis neceſſaria et oportuna faciendi dicendi gerendi et exercendi / et que noſmet faceremus ſi preſentes perſonaliter intereſſemus / etiam ſi talia forent que mandatum magis exigant ſpeciale quam preſentibus eſt expreſſum Ratum gratum atque firmum habentes et habituri totum id et quicquid dicti noſtri Commiſſarij plures aut vnus coniunctim et diuiſim predictis in premiſſis nomine noſtro rite duxerit ſeu duxerint faciendum Sententias vero proceſſus ordinationes et decreta quos quas et que in premiſſis

noſtri Commiſſarij plures aut vnus coniunctim et diuiſim predicti tulerint ſeu ordinauerint tulerit ſeu ordinauerit facienda auctore Domino vſque ad satiſſactionem condignam inuiolabiliter obſeruantes In cuius rej teſtimonium etc ·

Conſtitutio procuratorum ad comparendum in Synodo pro Abbate ·

XII. Wniuerſis et ſingulis pateat per preſentes nos · H · permiſſione diuina abbatem monaſterij Beate Marie de L[undoris] ordinis Sancti Benedicti Sanctiandree dioceſis · feciſſe conſtituiſſe creaſſe et ordinaſſe / necnon per preſentes facere conſtituere creare et ordinare venerabiles viros · N · et · N · etc · abſentes tanquam preſentes et eorum quemlibet inſolidum coniunctim et diuiſim noſtros veros legittimos et indubitatos procuratores etc · Dantes et concedentes etc · pro nobis et nomine noſtro coram Reuerendiſſimo in Chriſto patre et domino Domino Andrea · miſeratione diuina Archiepiſcopo Sanctiandree etc · eiuſue Vicarijs Generalibus aut Commiſſarijs pluribus aut vno / in ſua proxima Synodo Generali in Eccleſia ſua Metropolitica Sanctiandree dio Martis · videlicet · N · menſis · N · proxime futuri / alijſve diebus et locis · comparendi / ibidemque abſentiam noſtram excuſandi / et pro nobis noſtriſque eccleſijs in dicta Synodo reſpondendi / Necnon cum dicto Reuerendiſſimo Patre / ſuiſque Vicarijs Generalibus aut Commiſſarijs predictis et clero inibi pro tempore congregato communicandi tractandi concordandi ordinandi ſtatuendi ſubeundi et concludendi ea omnia et ſingula que in dicta Synodo communicari tractari concordari ordinari ſtatui et concludi de jure et conſuetudine poterunt et pertinere dinoſcuntur pro dicte eccleſie Archiepiſcopi et dioceſis communi vtilitate et honore Necnon obedientiam noſtram manualem et juratoriam in forma debita dicto Reuerendiſſimo Patri nomine noſtro preſtandi et exhibendi Ceteraque omnia alia et ſingula faciendi etc · Ratum et gratum etc · In cuius rej teſtimonium etc ·

Conftitutio [procuratorum] ad excufandum Prelatum in Confilio Cleri [Prouinciali] Generali.

XIII. Ad comparendum pro nobis et nomine noftro in Confilio Cleri Prouintiali Generali proximo apud. P. die. N. menfis N. proxime futuri cum continuatione dierum tenendo Et ibidem vnacum ceteris regni Prelatis tractandum concordandum fubeundum determinandum ftatuendum et concludendum ea que pro communi vtilitate Sancte Matris Ecclefie regni et reipublice tractanda concordanda fubeunda determinanda ftatuenda et concludenda fuerint Ceteraque omnia alia et fingula etc. Ratum et gratum etc. *In communi forma etc.*

[Epiſtola Alexandri Papo III.] Epiſcopis Scocie ut in irritum ducant ſtatuta Viuiani Cardinalis ot eorum Legati contra ordinom Ciſtercienſem facta·

XIV. [Alexander Epiſcopus ſeruus ſeruorum Dei · venerabilibus fratribus] vniuerſis Epiſcopis Scocie [ſalutem etc·] · Inſinuatum eſt auribus noſtris quod dilectus filius noſter Viuianus tituli Sancti Stephani in Celio Monte preſbiter Cardinalis · cum in partibus illis Legationis fungeretur officio · ſollempniter ſtatuit et decreuit quod Fratres Ciſtercienſis ordinis de terris quas tenent ab alijs et laborant/ decimas ſoluant · Vnde quia non credimus predictum Cardinalem huiuſmodi decretum feciſſe nec licuit ei contra ſtatuta Romani Pontificis decretum facere · uel priuilegium Romane Eccleſie ubi dubium eſt · auctoritate propria exponere / uniuerſitati ueſtre per Apoſtolica ſcripta precipiendo mandamus quatinus occaſione illius ſtatuti · Fratres Ciſtercienſis ordinis non cogatis nec permittatis compelli decimas ſoluere de terris quas proprijs manibus aut ſumptibus excolunt · ſiue ſint eorum proprie · ſiue ab alijs ipſas teneant · Grauiſſimum enim et moleſtiſſimum habemus nec equo animo pati/ ſi occaſione illius ſtatuti · auctoritati priuilegii derogetis/ quod Fratribus Ciſtercienſis ordinis noſcitur ab Apoſtolica Sede indultum · Data Anagnie · vi · Kal · Februarii ·

[Declaratio Epiſcopi Dunblanenſis in Concilio Cleri facta] quod decime garbales de Petloure pertinent monaſterio de Aberbrothoc ·

XV. In Dei nomine Amen · Per hoc preſens publicum inſtrumentum cunctis pateat euidenter quod anno incarnacionis Dominice milleſimo · cccc° · ſexageſimo quinto · Indictione decima tercia · menſis uero Julij die decima octaua · ac pontificatus ſanctiſſimi in Chriſto patris et domini noſtri Domini Pauli diuina prouidencia Pape Secundi anno primo · in Concilio Cleri ex antiqua et probata conſuetudine et indulto Apoſtolico generaliter et

annuatim tento apud Porth in festo Sancti Kynelinj martiris cum continuacione dierum · coram reuerendo in Christo patro et domino · Domino Roberto Dei et Apostolice Sedis gracia Episcopo Dunblanensi · Constitutus venerabilis in Christo pater et dominus Dominus Malcolmus permissione diuina Abbas monastorii de Aberbrotboc Sanctiandree diocesis ordinis Sancti Benedicti · in mei notarij publici ot testium iufrascriptorum presencia exposuit et dixit quod cum decime garbales ecclesie de Abirnethy dicte Dunblanensis diocesis sibi et suo conuentui spectant et fuerunt in manibus dudum venerabilis memorie ac reuerendi in Cbristo patris et domini Domini Jacobi episcopi Sanctiandree ex certis contractibus et per certos annos nuper elapsos · in qua quidem parrochia de Abirnetby certe terre de Petloure situantur · ac ab eodem reuerendo in Christo patre Episcopo Dunblanensi cum humilitate qua decuit petiuit quod et quale interosse sua Paternitas habuit babet seu habere poterit in futurum ad dictas terras de Petloure et decimas garbales earundem · Qui quidem reuerendus in Cbristo pater et dompnus Dominus Robertus episcopus Dunblanensis memoratus ex aduerso cum deliberacione coram toto Clero respondens asseruit dixit et veraciter declarauit quod coloni et inhabitantes dictas terras de Petloure babent sibi et successoribus suis annuatim respondere de quatuor marcis vsualis monete Scocie ad duos anni terminos vsuales Ponthecostes · videlicot · et Sancti Martini in yeme per equales porciones tantum · Et quod dicte decime garbales dictarum terrarum de Petloure prefato Domino Abbati de Aberbrotboc et conuentui eiusdem et suis successoribus sine dubio spectant et in futurum spectare debent sine questione · Et insuper idem reuerendus Episcopus Dunblanensis pro se et successoribus suis renunciauit omni iuri questioni et clamco ac iuris titulo que sibi occasione dictarum terrarum et de Potlouro decimarum competere possint quomodolibet in futurum oxceptis dictis quatuor marcis suprascriptis · Super quibus omnibus et singulis sic expositis recitatis et ut premittitur confessis · prefatus Dominus Abbas pro se et suo conuentu a me notario publico subscripto sibi fieri peciit hoc presens publicum instrumentum ·

Acta erant hec coram magno gradu pretorij burgi de Perth hora quasi vndecima ante meridiem sub anno Indictione die mense et pontificatu quibus supra · Presentibus ibidem venerabilibus in Christo patribus · videlicet · Dauid prioro ecclesie cathedralis Sanctiandree ac sede eiusdem vacante Vicario Generali · Johanne abbate de Lundoris · Johanne abbate de Cambuskynneth · Magistro Johanne Cristini et Magistro Petro de Crechtonn rectore de Kynoule cum multis aliis prelatis et clericis in multitudine non modica congregatis testibus ad premissa vocatis specialiter et rogatis ·

Et ego Donaldus Ade presbiter Dunblanensis diocesis publicus auctoritate Imperiali notarius in omnibus et singulis predictis dum sic ut premittitur dicerentur agerentur etc ·

Indictio et Conuocatio Generalis Concilij Prouintialis Cleri regni Scotie per illius Primatem ·

XVI. Jacobus miseratione diuina Archiepiscopus Sanctiandree totius regni Scotie Primas et Apostolice Sedis Legatus Natus Reuerendissimo in Christo patri et domino confratri nostro apprime dilecto Gauino Dei et Apostolice Sedis gratia insignis Metropolitane ecclesie Glasguensis Archiepiscopo dignissimo eiusque in spiritualibus et temporalibus Vicario seu Officiali Generali felix suscepte cure moderamen et mutuam in Domino charitatem pro salute · Reuerendissime domino cum ex Sanctorum Patrum decretis et ordinationibus tam pie tamque salubriter editis per prouintias singulas Episcoporum Concilia Generalia / tum ad Dominici agri precipuam culturam que vepres spinas et tribulos heresium errorum et scismatum extirpat / mores et excessus corrigit / deformata reformat / et vineam Domini ad frugem vberrime fertilitatis adducit / tum ad querelarum et contrauersiarum (quo inter diuersos ecclesie ordines nasci assolent) dissolutionem / quorum neglectus premissa

diſſeminat atque fouet / quotannis ſcpiuſque et frequenter celebrari viſum [est] eaque fieri mandantur · Hec nedum preteritorum temporum recordatio et preſentium conſideratio ante occulos noſtros ponunt / verum inclitiſſimus et excellentiſſimus princeps noſter Jacobus diuina fauente clementia Scotorum Rex ſumme illuſtris eo nomine Quintus / Catholice et orthodoxe fidei columna indeficiens et juſticie decus (cui Deus Optimus Maximus fauſtos concedat dies) et eiuſdem ſuo regie maieſtatis ſenatores eximij parliamentaliter confluentes ſuper regni republica nuper bonorifice diſceptantes haud inutile exiſtimarunt quod cleri et eccleſiaſticorum buiuſce regni Scotie Concilium Prouintiale Generale die et loco infraſcriptis tenendum ad laudem et gloriam Dei Omnipotentis / eiuſque precelſe Genitricis Intemerate Marie Virginis / ac ad buius vniuerſalis Scoticane eccleſie immenſum et ineſtimabile bonum celebretur · Ad hec vos Reverendiſſime in Chriſto Pater et Domine vnacum compluribus aliis reuerendis ac venerabilibus patribus et dominis egregiiſque et ſpectabilibus viris huius regni coepiſcopis abbatibus prioribus prolatis et aliis eccleſie rerum viris conſultiſſimis antea ſuper rebus arduis ortbodoxam fidem et regni rempublicam tangentibus Edinburgi (nobis tunc adeſſe commode non valentibus) conſultantes eiuſmodi Concilium fieri ſuaſiſtis et ad illud expreſſo conſenſiſtis / Que omnia regie maieſtatis pietas et prudentia ſplendidiſſima Noſtre Paternitati tanquam eccleſie Sanctiandree regni ſui principalis precipue et patrone (cui dante Domino ſub beatiſſimo domino noſtro Papa et eius Sancta Sede Apoſtolica regia annuente maieſtate preſidemus / Archiepiſcopo Metropolitano quanquam indigno / totiuſque regni Scotie Primati et Apoſtolice Sedis Legato Nato licet immerito) per ſuas conſolatorias et omni animi ſagacitate conceptas literas eiuſque ſubſcriptione et ſigneto roboratas fieri ſignificans et fructuoſa fore judicans Nos itaque vti Archiepiſcopum Metropolitanum Primatem et Legatum Natum antedictum quibus de jure Concilium ipſum Prouintiale Generale in hijs regno et prouintia indicere ſpectat et incumbit / exbortari requirere et rogare dignata eſt / vt ea que ad id neceſſaria forent / quo res ipſa felicius ſuccedat preparantes Con-

cilium buiufmodi ad primum menfis Martij diem proxime futuri in templo Fratrum Dominicanorum fiue Predicatorum intra oppidum Edinburgenfe noftre diocefis propitio Deo celebrandum incboandum et tenendum fingulis noftris dominis Coepifcopis et alijs prout de jure indiceremus et denuntiaremus Quapropter premiffis fuadentibus et volentes omnia et fingula fupra et infrafcripta vt in Noftra Paternitate eft vel fuerit et prout juris fit et quantum cum Deo poterimus ad debitum producere effectum Veftram igitur Reuerendiffimam Paternitatem et Dominationem ampliffimam veluti infignis ecclefie Metropolitane Glafguenfis Archiepifcopum et Metropolitanum veftrumque Vicarium feu Officialem antedictum Generalem fraternaliter et charitatiue in Domino rogamus exbortamur ac petimus / necnon auctoritate qua fungimur et prout de jure et non aliter / requirimus et monemus quatenus compareatis coram nobis alijfque dominis noftris Coepifcopis Prelatis et Clero in Concilio Prouintiali Generali in dicto templo Fratrum Predicatorum Edinburgenfi celebrando inchoando fiendo et tenendo primo die menfis Marcij proxime futuri mane circa folis ortum cum continuatione et prorogatione dierum ad ea que ad Veftram Reuerendiffimam Paternitatem in ipfo Concilio de jure attinent agenda exhortanda corrigenda imponenda et judicanda fub penis juris · Infuper citari et requiri curetis reuerendos patres et dominos Epifcopos veftros fuffraganeos et fubiectos veftrofque et eorum Prelatos inferiores Abbates fcilicet Priores Prepofitos aliofque Prelatos et dominos ac viros ecclefiafticos ex famofioribus confultioribus et prudentioribus de clero veftrarum diocefium prout vobis vifum fuerit et expedierit ad vobifcum dictis die et loco premiffum ad effectum comparendum Vofque et illi veftri fubditi et Prelati inferiores dictum diem menfis Marcij primum preueniendo comparere et conuenire non omittatis apud Edinburghe die xxij[a]. menfis Februarij exnunc proxime futuri pro veftris confilijs informationibus et affiftentijs ad ea que in Concilio pertractanda et fubeunda fuerint dandis / ibidem vfque ad diffolutum terminatum vel continuatum Concilium inclufiue permanfuri / obnixe rogamus et prout de jure et non aliter requirimus ·

Preterea ſuper preſentium per vos receptione ac veſtrorum ſuffraganeorum Epiſcoporum et Prelatorum inferiorum ac clericorum citatione et premonitione nobis interim intra viginti dies poſtquam vobis preſentes ex parte noſtra preſentate fuerint nos certiores reddere minime omittatis Et preſentes per vos conſideratas earundem latori reddatis Datum ſub noſtro ſigillo rotundo Apud · N · etc ·

Citatio ſiue Requiſitio ſuffraganei Epiſcopi ad compareudum in Concilio Prouintiali Generali per Primatem indicto ·

XVII. Gauinus miſeratione diuina Archiopiſcopus Glaſguenſis reuerendo in Chriſto patri et domino confratri noſtro Roberto Dei et Apoſtolice Sedis gratia Liſmorenſi Epiſcopo / eiuſque in ſpiritualibus et temporalibus Vicario ſeu Officiali Generali / ſalutem et mutuam in Domino charitatem Reuerende Pater et Domine quum nuper excellentiſſimus princeps noſter et dominus Jacobus eo nomine Quintus Dei gratia Scotorum Rex illuſtriſſimus Catholice et orthodoxe fidei columna et propugnator acerrimus ac juſticie decus et eiuſdem ſue regie celſitudinis et regni tres ſtatus parliamentaliter conuocati ſuper regni republica honorifice diſceptantes non inutile exiſtimarunt quod cleri et eccleſiaſticorum huiuſce regni Scotie Concilium Generale Prouintiale die et loco infraſcriptis tenendum et inchoandum ad laudem et gloriam Omnipotentis Dei eiuſque procelſe Genitricis Intemerate Marie Virginis / ac ad huius vniuerſalis Scoticane eccleſie immenſum et ineſtimabile bonum celebretur · Ad hec nos Reuerende Pater et Domine vnacum compluribus alijs reuerendis et venerabilibus patribus et dominis egregijſque et ſpectabilibus viris huius regni Coepiſcopis Abbatibus Prioribus Prelatis et conſultiſſimis viris antea ſuper rebus arduis orthodoxam fidem et regni rempublicam tangentibus Edinburgi conſultantes ad huiuſmodi Concilium celebrandum citra tamen preiudicium priuilegiorum nobis et eccleſie noſtre Apoſtolica auctoritate conceſſorum et non alias conſenſimus Et ut hec omnia felicius ſuccedant Concilium Generale

Prouintiale predictum ad primam diem mensis Martij proxime futuri in templo Fratrum Predicatorum ordinis Sancti Dominici intra oppidum Edinburgi Sanctiandree diocesis Deo propitio celebrandum inchoandum et tenendum de vnanimi cleri consensu indictum et denuntiatum extitit / Quapropter Vestram Reuerendam Paternitatem tanquam Episcopum Lismorensem suffraganeum nostrum vestrumque Vicarium seu Officialem Generalem antedictum fraternaliter et charitatiue in Domino rogamus exhortamur ac instanter petimus quatenus vna nobiscum et alijs dominis Coepiscopis Prelatis et Clero in dicto Concilio Generali Prouintiali in dicto templo Fratrum Predicatorum Edinburgensi celebrando inchoando et tenendo dicta prima die mensis Martij proxime futuri mane circa solis ortum / cum continuatione et prorogatione dierum / compareatis ad ea que Vestram Reuerendam Paternitatem in ipso Concilio de jure attinent agenda exhortanda corrigenda reformanda imponenda et judicanda / sub penis juris Insuper citari et requiri curetis reuerendos et venerabiles patres Abbates Priores et Prepositos aliosque dominos Prelatos et viros ecclesiasticos vestros subditos et ex famosioribus consultioribus et prudentioribus de clero vestre diocesis Lismorensis prout vobis visum fuerit expedire ad vobiscum dictis die et loco premissum ad effectum comparendum Vosque et illi vestri subditi et Prelati inferiores dictam diem mensis Martij primam preueniendo comparere et conuenire curetis apud Edinburgh die xxij mensis Februarij exnunc proxime futuri pro vestris consilijs informationibus et assistentijs ad ea que in Concilio huiusmodi pertractanda et subeunda fuerint dandis / ibidemque vsque ad dissolutionem terminationem vel continuationem Concilij huiusmodi inclusiue permansuri / obnixe vt premittitur requirimus et rogamus Datum etc ·

Monitorium Primatis regni ad conuocandum ſuos Suffraganeos et alios regni Prelatos ad pertractandum communicandum conſulendum determinandum et diffiniendum ſuper defenſione et manutentione libertatis totius Catholice Scoticane Eccleſie · et Reipublice regni preſeruatione vt infra ·

XVIII. David [miſeratione diuina tituli Sancti Stephani in Celio Monte Sancte Romane Eccleſie preſbyter Cardinalis Sanctiandree Archiepiſcopus totius regni Scotie Primas et Apoſtolice Sedis Legatus Natus] · Reuerendo in Chriſto patri ac fratri noſtro Domino · N · Dei et Apoſtolice Sedis gratia Epiſcopo · N · Salutem et ſinceram in Domino charitatem · Inter graues ſollicitudines et multiplices animi curas quibus pro paſtoralis officii ac Metropolitice et Primatialis noſtre ſeruitutis debito premimur . ea peculiaris et precipua eſt vt defenſioni et indemnitati ac animarum ſaluti non ſolum dioceſanorum noſtrorum nobis immediate ſubiectorum / ſed et aliorum nobis jure Metropolitico et regni Primatiali ſubditorum / quorum Auctor Eternus de ſue benignitatis clementia et Apoſtolice Sedis prouidentia curam ſuperioritatem dominium et preeminentiam habere voluit / ſemper et aſſiduo inuigilemus / ac remediis et curis omnibus ita prouideamus ne Sancta Catholica Scoticana Eccleſia illiuſue prelati miniſtri et ſubditi (hoc tempore proceloſo / Lutheranis et aliis nephandis hereſibus vndique infra regnum iſtud pullulantibus / et non ſolum regni huius nobilibus et proceribus inter ſe quodammodo diuiſis / ſed et regni auctoritatem et illius vnitatem indiuiſibilem diuidi et abinuicem ſeparari ſeu tranſferri conantibus / verumetiam Anglis veteribus noſtris inimicis a Sacroſancta Catholica et Apoſtolica Eccleſia mucrone eccleſiaſtico abſciſis et ſciſmaticis declaratis vndique regnum iſtud hoſtiliter inuadentibus / illudque tam maritima claſſe quam terreſtribus armatorum copijs et exercitibus ac continuis incurſionibus deuaſtantibus / et ut preſumi poſſit / niſi manu potenti et brachio extento uiriliter eiis reſiſtentia ſienda foret / ad vniuerſum et plenarium regni conqueſtum et finalem

Ecclesie Scoticane ruinam et illius libertatis subuersionem tendentibus / nocnon ipsis et aliis heretice prauitatis ac Lutheranarum et aliarum nephandarum heresium in hoc regno fautoribus auctoribus et insectatoribus quotidie omni eorum cura studio et diligentia libertatem ipsam ecclesiasticam statum ac jura et priuilegia ipsius Scoticane Ecclesie simpliciter et in totum eneruare tollere et subuertere nitentibus) in spiritualibus aut temporalibus aliquomodo damnum seu detrimentum aliquod patiatur seu pati valeat / sed in vnitate fidei Christiane / statu libertate et priuilegijs suis pristinis / sublatis quibusuis erroribus et obstaculis in contrarium agentibus semper secure et pacifice vt decet remaneat / Et ut hec cocitius facilius ac melius et felicius succedant / quo Paternitas Vestra Reuerenda et alii huius regni Prelati in vnum nobiscum congregati / vestra et eorum opera cura consilio vnanimique concursu pro libertatis ecclesiastice huiusce regni defensione et manutentione ac reipublice regni preseruatione / personaliter compareant / pro Conuentione Generali inter nos Paternitatem Vestram et eos ad premissorum effectum habenda / diem · N · mensis · N · proxime futuri cum continuatione dierum subsequentium statuendum et prefigendum duximus et statuimus · Quare Vestram Reuerendam Paternitatem in Domino obnixe requirimus et hortamur / et nihilominus in virtute sancte obedientie monemus / quatenus vna nobiscum et aliis reuerendis patribus et fratribus nostris dominis Coepiscopis ac Prelatis et Clero eadem Vestra Reuerenda Paternitas compareat personaliter infra nostram Ciuitatem Sanctiandree dicto die · N · mensis · N · proxime futuri cum continuatione dierum subsequentium ad pertractandum communicandum consulendum determinandum et diffiniendum ea que pro libertatis ecclesiastice totius Scoticane Ecclesie et eiusdem priuilegiorum et immunitatum conseruatione manutentione et defensione / ac reipublice regni quantum ad statum ecclesiasticum pertineat preseruatione / pertractanda communicanda consulenda determinanda et diffinienda fuerint / sub pena juris in hac parte competenti / Insuper citari et requiri vestra ordinaria auctoritate curetis venerabiles patres dominos Abbates Priores Commendatarios Decanos

Prepofitos et alios viros ecclefiafticos veftros subditos / et ex famofioribus et confultioribus ac prudentioribus de Capitulo et Clero veftrarum occlefie et diocefis · N · prout Paternitati Veftre vifum fuerit expedire / ad vobifcum di&is die et loco premiffum ad effe&um comparendum / ibidemque nobifcum vnacum Paternitate Veftra Reuerenda ac aliis regni Prelatis et Clero vfque ad diffolutionem terminationem vel continuationem di&e Conuentionis inclufiue permanfuros / obnixo ut premittitur requirimus et rogamus · In cuius fide prefentibus manu noftra fubfcriptis fignetum noftrum juffimus appendi · Apud Caftrum noftrum San&iandree dio etc ·

Monitorium pro folutione cuiufdam contributionis fiue taxe per vniuerfalem Ecclefiam Scoticanam pro manutentione libertatis ecclefiaftice et republica regni preferuanda impofito ·

XIX. Dauid [miferatione diuina tituli San&i Stepbani in Celio Monte San&e Romane Ecclefie prefbiter Cardinalis San&iandree Archiepifcopus totius regni Scotio Primas et Apoftolice Sedis Legatus Natus] · Decano Cbriftianitatis noftre de · F · vniuerfifque alijs ot fingulis prefbiteris curatis et non curatis infra noftram diocefem San&iandree conftitutis Salutem cum benedi&ione diuina Quia alias in vltima Conuentione reuorendiffimi ac reuerendorum et venerabilium in Cbrifto patrum dominorum buius regni Ordinariorum et aliorum Prelatorum ac beneficiatorum inferiorum vna nobifcum apud Ciuitatem noftram San&iandree die · N · menfis · N · proxime proteriti congregatorum pro fe et alijs Prelatis ac beneficiatis abfentibus / in fubuentionem onerum incumbentium pro libertato ecclefiaftica huius regni contra illius invafores illam boc tempore periculoso Lutberanis berefibus vndique pullulantibus fubuertore et eneruare conant[e]s tuenda / ac otiam pro republica buius regni preferuanda et manutonenda / verumetiam ex certis alijs caufis rationabilibus id fuadentibus et protunc latius expreffis Quedam pecuniaria fumma vidolicet decem millium librarum vfualis monete regni Scotio gratuita contributio nuncupata per nos et alios

dominos locorum Ordinarios ac Prelatos alios pro ſe et alijs huius regni clericis ad valorem quadraginta librarum dicte monete aut ſupra beneficiatis / in duobus terminis competentibus per nos et Ordinarios ipſos ſtatuendis et prefigendis per equas medias portiones videlicet quinque millium librarum in quolibet termino perſolui et ſatiſfieri promiſſa impoſita et conceſſa extiterat / Queqnidem contributio gratuita in diuerſis ſingulariter partitis ſummis per vnumqnemque Prelatum et eccleſiaſticum beneficiatum ſuper hoc taxatum in ſpecie perſolui diuiſa / et per nos et alios locorum Ordinarios leuanda percipienda et diſtribnenda extitit Vobis igitur et veſtrum cuilibet in virtute ſancte obedientie ſtricte precipiendo mandamus quatenus accedentes vbi et quo propterea fuerit accedendum / auctoritate noſtra Ordinaria moneatis legittime omnes et ſingulos Abbates Priores Commendatarios et eorum Adminiſtratores ac Prioriſſas et alios Prelatos quoſcunque et beneficiatos viros infra veſtrum decanatum de · F · conſiſtentes et eorundem firmarios factores et prelatiarum ac beneficiorum huiuſmodi fructuum intromiſſores et perceptores / quorum nomina monaſteriorum prioratuum prioriſſatuum et beneficiorum cum ſuis taxationibus inferius in cauda preſentium ad ratam taxationis quinque millium librarum pro quolibet termino duorum terminorum ſubſcriptorum perſoluendis annotantur et ſpecificantur / primo ſecundo tertio et peremptorie trina vice vnico tamen contextu / quos nos et eorum quemlibet tenore preſentium expreſſe monemus / vt infra hinc et diem · N · menſis · N · proxime futuri de dicta contributione pecuniaria ad ratam taxationis quinque millium librarum dicte monete Scotie pro primo termino perſoluenda ratione qua ſupra impoſita et taxata vobis Decano nomine noſtro (quem ad hoc harum ſerie Collectorem deputamus et ordinamus) necnon et de ſimili ac tali et totidem ſumma inferius taxata diſtributa diuiſa et ſpecificata ad ratam quinque aliarum ſimilium millium librarum inter illinc et feſtum Omnium Sanctorum extunc proxime et immediate ſequens tanquam pro ſecundo et vltimo termino ſolutionis integre contributionis prefate ſumme videlicet decem millium librarum plenarie et integre ac reſpectiue ſatiſfaciant et perſol-

uant / et quilibet eorum per se quantum ad vnumquemque eorum spectat et pertinet satisfaciat et persoluat realiter et cum effectu sub pena excommunicationis in quolibet termino Quam in ipsos et eorum quemlibet monitionibus huiusmodi non parentes exnunc prout extunc et econtra lapsis dictis respectiue terminis trinaque canonica monitione premissa ferimus et promulgamus in hijs scriptis Et quos vos et eorum quemlibet etiam nominatim et in specie sic vt premittitur excommunicatos in eorum monasterijs ecclesijs et capellis ac alijs locis publicis et congruentibus omnibus diebus Dominicis festiuis ac ferialibus diebus publice et solemniter denuntietis A dicta denuntiatione non cessantes donec ad gremium Sancte Matris Ecclesie recurrerint beneficium absolutionis a nobis vel auctoritate nostra humiliter obtenturi Et aliud ad cessandum a nobis habueritis in mandatis Insuper vobis nostro Decano antedicto absoluendi in forma ecclesie simpliciterque vel ad tempus cum reincidentia omnes et singulos Abbates Priores Commendatarios Administratores Priorissas et alios beneficiatos inferius specificatos et eorundem firmarios factores et fructuum suorum intromissores qui huiusmodi nostram excommunicationis sententiam ob non solutionem huiusmodi taxe in terminis supranotatis respectiue incurrerint seu incurrere contigerit / dummodo vobis Decano nomine nostro vt supra de huiusmodi taxis realiter et cum effectu persoluerint / seu alias mandatum nostrum de supersedendo ad tempus habueritis / et non alias aliter nec alio modo / nostram tenore presentium plenam et liberam committimus potestatem / et facultatem ac licentiam in Domino impertimur specialem Datum sub sigillo nostro rotundo Apud Ciuitatem nostram Sanctiandree die · N · mensis · N · anno Domini · N · etc ·

Monitorium cum executione parata pro folutione cuiufdam contributionis fiue taxe pecuniarie per vniuerfalem Scoticanam Ecclefiam pro defenfione regni aduerfus hoftiles incurfus veterum Anglorum inimicorum Et nonnullorum regnicolarum proditorum ipfis inimicis affiftentium Et manutentione certorum armatorum pro refiftentia inimicis facienda impofite·

XX. David miferatione diuina tituli Sanĉti Stephani in Celio Monte Sanĉte Romane Ecclefie prefbyter Cardinalis Sanĉtiandree Archiepifcopus totius regni Scotie Primas Apoftolice Sedis Legatus Natus ac per vniuerfum regnum prediĉtum eiufdem Sedis de Latere Legatus Decano Chriftianitatis noftre de · N · vniuerfifque aliis et fingulis prefbyteris curatis et non curatis infra noftram diocefem Sanĉtiandree conftitutis Salutem cum benediĉtione diuina Quia alias in Conuentione Generali dominorum Ordinariorum et aliorum huius regni Prelatorum et ecclefiafticorum beneficiatorum per nos auĉtoritate noftra Metropolitica et regni Primatiali indiĉta / et in Refeĉtorio Fratrum Predicatorum oppidi Edinburgi noftre Sanĉtiandree diocefis die date prefentium per nos et nonnullos reuerendiffimum ac reuerendos et venerabiles in Chrifto patres dominos locorum Ordinarios ac alios Prelatos inferiores et viros ecclefiafticos egregios beneficiatos protunc prefentes et vniuerfalem Scoticanam Ecclefiam reprefentantes / tenta et habita / Inter alia fuper libertatis ecclefiaftice ipfius Scoticane Ecclefie et eiufdem priuilegiorum et immunitatum contra illins inuafores hoc tempore procellofo preferuatione Et eo maxime fuper reipublice huius regni non folum contra Anglos illius veteres inimicos fed etiam quofdam regnicolas rebelles et inimicis prefatis fauentes et proditorie in regni deditionem (quantum in eijs eft) affiftentes / regnum iftud et illius fubditos hoftiliter / vique et armis ac continuis incurfionibus / tam per mare qnam per terram / pro illius conqueftu habendo / inuadentes / ac incendijs / homicidijs / rapinis / fpolijs / obfidionibus et alijs crudelibus eis affliĉtionum generibus infidiantes et depredantes / in maximam regni ruinam quantum ad nos et ftatum ecclefiafticum pertineat tuitioni manutentioni et defenfioni confulentes,

et non fine animi noftri graui moleftia pertractantes / in primis et ante omnia pro huiufmodi regni et illius limitum et marchiarum verfus Angliam contra huiufmodi veteres inimicos ac regnicolas proditores illis affiftentes prefatos et illorum hoftiles inuafiones incurfus et infidias tuitione manutentiono et protectione / ac pro Domini Locumtenentis et nonnullorum equitum et peditum armatorum fecum apud limites dicti regni pro earundem defenfione et gubernio / ac inimicorum Anglorum et proditorum prefatorum expulfione et eiectione / pro certis menfibus proxime futuris continue permanendorum fubuentione / et in expenfarum fuarum releuamine Quedam contributio gratuita fumme videlicet trefdecim millium librarum vfualis monete regni Scotie per nos et fingulos alios Dominos huius regni locorum Ordinarios ac alios prelatos inferiores et ecclefiafticos viros ad valorem quadraginta librarum dicte monete aut fupra beneficiatos / in duobus terminis competentibus inferius fpecificatis per equas medias portiones perfoluenda / vnanimi confenfu et affenfu impofita / ac in diuerfis fingulariter partitis fummis per vnumquemque prelatum et ecclefiafticum modo quo fupra beneficiatum fuper hoc taxatum in fpecie et nominatim modo inferius defignato diuifa et diftributa exiftit / Et ut contributio ipfa prout taxata et diuifa exiftit / quantum ad nos et noftram diocefem Sanctiandree et illius Prelatos et beneficiatos ipfos pertineat refpectiue / eocitius et facilius Collectoribus ad id per nos deputandis plenarie perfoluatur literas noftras monitoriales fimplices cum earundem executione parata defuper emanari decreuimus et decernimus Quocirca vobis et veftrum cuilibet in virtute fancte obedientie ftricte precipiendo mandamus quatenus accedentes vbi et quo fuerit accedendum auctoritate noftra Ordinaria moneatis legittime omnes et fingulos dominos Abbates Priores Commendatarios et eorundem Adminiftratores ac Priorifsas et alios Prelatos quofcunque et beneficiatos viros infra veftrum decanatum de . N . confiftentes et eorundem et cuiuflibet eorum firmarios factores et prelatiarum ac beneficiorum huiufmodi fructuum intromiffores et perceptores Quorum nomina monafteriorum prioratuum priorifsatuum et beneficiorum cum fuis

taxationibus in ſpecie et ſingillatim inferius in cauda preſentium ad rationem taxationis ſumme treſdecim millium librarum dicte monete in duobus terminis ſubſcriptis per equas medias portiones perſoluende annotantur et ſpecificantur / primo ſecundo tertio et peremptorie trina vice vnico tamen contextu et pro triplici edicto / quos nos et eorum quemlibet tenore preſentium expreſſe monemus / vt infra hinc et · N · diem menſis · N · proxime futuri incluſiue / de vna et alia medietatibus contributionis prefate ad rationem dicte ſumme treſdecim millium librarum pro parte noſtra et diocefis noſtre Sanctiandree inferius taxate inter illinc et · N · diem menſis · N · extunc immediate ſequentis et incluſiue per equales medias portiones vobis Decano nomine noſtro quem ad hoc harum ſerie Collectorem deputamus et ordinamus (Abſque tamen preiudicio prioris taxe ſeu contributionis gratuite ſumme videlicet decem millium librarum dicte monete in Conuentione Generali per nos et alios dominos Ordinarios ac Prelatos et beneficiatos prefatos apud Ciuitatem noſtram Sanctiandree de menſe Maij anni Domini milleſimi quingenteſimi quadrageſimitertij proxime preteriti habita / in ſubuentionem onerum tunc pro libertate eccleſiaſtica tuenda incumbentium impoſite et nondum in totum ſolute / et citra remiſſionem reſtarum ex dicta priori contributione adhuc reſtantium inſolutarum) plenarie et integre ac reſpectiue ſatiſfaciant et perſoluant / et quilibet eorum per ſe quantum ad vnumquemque eorum ſpectat et pertinet ſatiſfaciat et perſoluat realiter et cum effectu ſub pena excommunicationis in quolibet termino Quam in ipſos et eorum quemlibet monitionibus huiuſmodi non parentes exnunc prout extunc et econtra lapſis reſpectiue dictis terminis et eorum altero trinaque canonica monitione premiſſa ferimus et promulgamus in hijs ſcriptis Et quos vos et eorum quemlibet etiam nominatim et in ſpecie ſic vt premittitur excommunicatos in eorum monaſterijs eccleſijs et capellis ac alijs locis publicis et ad hoc congruentibus omnibus Dominicis feſtiuis et ferialibus diebus publice et ſolemniter denuntietis et quilibet veſtrum denuntiet A dicta denuntiatione non ceſſantes donec ad gremium Sancte Matris Eccleſie recurrerint beneficium

abſolutionis a nobis vel auctoritate noſtra humiliter obtonturi Et aliud ad ceſſandum a nobis habucritis in mandatis · Inſuper vobis Decano noſtro antedicto per vos vel alium ſeu alios ad hoc per vos conſtitutos abſoluendi in forma ecclefie ſimpliciterque vel ad tempus cum reincidentia omnes et ſingulos Abbates Priores Commendatarios Adminiſtratores Prioriſſas et alios viros eccleſiaſticos vt premittitur beneficiatos inferius in cauda preſentium ſpecificatos / et eoruudem firmarios factores et fructuum ſuorum intromiſſores qui huiuſmodi noſtram excommunicationis ſententiam ob non ſolutionem huiuſmodi contributionis inferius taxate in terminis reſpectiuo ſupranotatis incurrerint ſeu incurrere contigerit / dummodo tamen vobis Decano nomine noſtro vt ſupra do huiuſmodi contributione et taxis realiter et cum effectu perſoluerint / ſeu alias mandatum noſtrum de ſuperſedendo ad tempus habueritis et non alias aliter nec alio modo noſtram tenore preſentium committimus poteſtatem ot facultatem in Domino impertimur ſpecialem / Volumus autem et vobis Decano noſtro antedicto mandamus quod cum primum vobis de huiuſmodi contributione et taxis perſolutum fuerit pecunias per vos receptas huiuſmodi Receptoribus ad hoc per nos depputandis deliberetis Quittantijs tamen eorundem ſeu eorum alterius ſuper eijs per vos deliberandis pecuniarum ſummis huiuſmodi pro veſtra exoneratione facienda habitis et roceptis In cuius rei teſtimonium preſentibus manu noſtra ſubſcriptis ſigillum noſtrum rotundum eſt affixum · Apud etc ·

Indictio et Conuocatio Generalis Prouintialis Concilij per Cardinalem Arcniepiſcopum Primatem et de Latere Legatum ſub cenſuris ·

XXI. David miſeratione diuina tituli Sancti Stephani in Celio Monte Sancte Romane Eccleſie preſbiter Cardinalis Sanctiandree Archiepiſcopus totius regni Scotie Primas Apoſtolice Sedis Legatus Natus ac per vniuerſum regnum predictum eiuſdem Sedis do Latere Legatus Reuerondiſſimo in Chriſto patri ac fratri noſtro Domino Gauino Dei et Apoſtolice Sedis gratia Archiepiſcopo Glaſguenſi veſtriſque in ſpiritualibus et temporalibus

Vicario ſeu Officiali Generali / felix ſuſcepte cure moderamen et mutuam in Domino charitatem pro ſalute / Inter graues sollicitudines et multiplices animi curas quibus pro paſtoralis officij ac Metropolitice et Primatialis noſtre [ſeruitutis] debito premimur / verumetiam ex iniuncto nobis Apoſtolice Legationis munere quo (licet immeriti) ex Apoſtolice Sedis clementia in hoc regno fungimur / ea peculiaris et precipua eſt vt defenſioni et indemnitati ac animarum ſaluti / non ſolum dioceſanorum noſtrorum nobis immediate ſubiectorum / ſed et aliorum nobis tam jure Metropolitico et regni Primatiali quam etiam jure Legationis Apoſtolice de Latere nobis commiſſe ſubditorum / quorum Auctor Eternus de ſua benignitate et clementia et Apoſtolice Sedis prouidentia curam ſuperioritatem dominium viſitationem correctionem juriſdictionem reformationem poteſtatem et preeminentiam habere voluit / ſemper et aſſidue inuigilemus / ac remedijs et curis omnibus ita prouideamus ne Sancta Catholica Scoticana Eccleſia illiuſve prelati miniſtri et ſubditi / etiam cuiuſuis exemptionis titulo qualitercunque inſigniti / hoc tempore procelloſo Lutheranis et alijs quamplurimis nephandis hereſibus vndique infra regnum iſtud pullulantibus / per hereticos et hereſiarchas ac heretice prauitatis et Lutheranarum ac nephandarum aliarum hereſium in hoc regno fautores auctores aſſiſtentes et inſectatores / indies et continue omni eorum cura ſtudio et diligentia libertatem ipſam eccleſiaſticam illiuſque ſtatum ac jura et priuilegia ipſius Sancte Scoticane Eccleſie ſimpliciter et in totum eneruare tollere et ſubuertere nitentes / in ſpiritualibus aut temporalibus / aliquo modo damnum ſeu detrimentum aliquod patiatur / ſeu pati valeat / ſed in vnitate fidei Chriſtiane ſtatu libertate et priuilegijs ſuis priſtinis / ſublatis quibuſuis erroribus et obſtaculis in contrarium agentibus / ſemper et ſecure ac pacifice vt decet remaneat / Et vt hec eocitius facilius ac melius et felicius ſuccedant quo Paternitas Veſtra Reuerendiſſima et alij huius regni Prelati ac Cleri famoſior pars in vnum nobiſcum congregati prout ex ſanctorum patrum decretis et ordinationibus tam pie tamque ſalubriter editis per ſingulas prouintias Epiſcoporum Concilia Generalia / tum ad Dominici agri precipue

culturam que vepres ſpinas et tribulos herefium errorum et ſciſmatum extirpat / mores et exceſſus corrigit / deformata reformat et vineam Domini ad frugem vberrime fertilitatis adducit / tum ad querelarum et contrauerſiarum que inter diuerſos eccleſie ordines naſci aſſolent diſſolutionem / quorum negleĉtus premiſſa diſſeminat atque fouet / quotannis ſepiuſque et frequenter celebrari viſum eſt / eaquo fieri mandantur / veſtra et eorum opera cura conſilio vnanimique concurſu pro libertatis eccleſiaſtice huiuſce regni defenſione et manutentione / perſonaliter compareant pro Conuentione et Synodo Prouintiali Generali inter nos Paternitatem Veſtram et eos ad premiſſorum effeĉtum habenda / ad laudem gloriam et honorem Summe et Indiuidue Trinitatis Patris videlicet et Filij et Spirituſſanĉti Beateque Intemerate Virginis Marie Dei et Domini noſtri Jheſu Chriſti genitricis et Omnium celeſtis curie Sanĉtorum / ac ad huius vniuerſalis Scoticane Eccleſie immenſum et ineſtimabile bonum / auĉtoritate noſtra Metropolitica et regni Primatiali / cui de jure Concilium ipſum Prouintiale Generale in hoc regno indicere et conuocare ſpeĉtat et incumbit / necnon auĉtoritate Legationis noſtre Apoſtolice de Latere nobis vt premittitur conceſſa / ac etiam Apoſtolica auĉtoritate in vim literarum Apoſtolicarum in forma breuis nobis nuper per Sanĉtiſſimum in Chriſto patrem et dominum noſtrum Dominum Paulum diuina prouidentia Papam Tertium ad effeĉtum premiſſorum ſub data Rome apud Sanĉtumpetrum ſub annulo piſcatoris die primo Maij anno Domini milleſimo quingenteſimo quadrageſimoquinto pontificatus ſui anno vndecimo / tranſmiſſarum / et quibus in hac parte reſpeĉtiue fungimur / Concilium Prouintiale Generale die · N · menſis · N · proxime futuri / intra Eccleſiam noſtram Metropolitanam et Primatialem Sanĉtiandree celebrandum tenendum et inchoandum / cum continuatione et prorogatione dierum ſubſequentium vſque ad eiuſdem concluſionem et diſſolutionem / in quo diſponente Altiſſimo preſidebimus indicimus conuocamus denuntiamus ſtatuimuſque et prefigimus / Quare Veſtram Reuerendiſſimam Paternitatem in Domino obnixe requirimus et hortamur / et nichilominus in virtute ſanĉte obedientie auĉtoritatibus re-

ſpectiuo quibus ſupra / quibuſuis exemptionibus et priuilegijs in contrarium diſponentibus non obſtantibus / expreſſe monemus quatenus vna nobiſcum et alijs reuerendis patribus ac fratribus noſtris dominis huius regni Coopiſcopis ac Prelatis et clero eadem Vestra Reuerendiſſima Paternitas compareat perſonaliter infra dictam noſtram Metropolitanam et Primatialem eccleſiam Sanctiandree dicto die · N · menſis · N · proxime futuri / cum continuatione diorum ſubſequentium vſque ad finalem concluſionem dicti Concilij Prouintialis Generalis hora octaua de mane / ad pertractandum communicandum conſulendum determinandum et diffiniendum ea que pro libertatis eccleſiaſtice totius Scoticane Eccleſie / et eiuſdem priuilegiorum et immuuitatum conſeruatione manutentione et defenſione pertractauda communicanda conſulenda determinanda et diffinionda fuerint ſub pena interdicti ingreſſus eccleſie Insuper citari requiri et moneri veſtra Ordinaria auctoritate curetis reuerendos ac venerabiles patres dominos Epiſcopos veſtros ſuffraganeos ac Abbates Priores Commendatarios Decanos Prepoſitos et alios viros eccleſiaſticos circumſpectos veſtros ſubditos / et ex famoſioribus conſultioribus et prudentioribus de capitulis et clero veſtrarum eccleſie ciuitatis dioceſis et prouintio Glaſguenſis etiam Religioſos cuinſuis ordinis fuerint / et vt premittitur qualitercunque exomptos / prout Paternitati Veſtre Reuerendiſſime viſum fuerit expediro / ad vobiſcum dictis die et loco premiſſorum ad effectum comparendum / ibidemque nobiſcum vnacum Paternitate Veſtra Reuerendiſſima ac alijs regni Prelatis et clero vſque ad diſſolutionom terminationem concluſionem vel continuationem dicti Concilii Prouintialis Generalis incluſiue permanſuros obnixe vt premittitur requirimus hortamur et auctoritatibus reſpectiuo quibus ſupra ac pena prefata monemus Quod si forte Reuerendiſſima Paternitas Veſtra (quod non credimus) dictis die hora et loco ad ſupraſcriptorum effectum personaliter comparere contempſerit lapſis ſex diebus dictum diem · N · monſis · N · proxime futuri immediate ſequentibus exnunc prout extunc et econtra auctoritatibus quibus ſupra eedem Paternitati Veſtre Reuerendiſſime trinaque

canonica monitione premiſſa / ingreſſum eccleſie interdicimus in hijs ſcriptis et interdictum fore et eſſe denuntiamus Si vero eadem Paternitas Veſtra Reuerendiſſima huiuſmodi interdictum per alios ſex dies dictos primos ſex dies immediate ſequentes ſuſtinuerit / eandem in hijs ſcriptis ſimilibus auctoritatibus exnunc prout extunc et econtra canonica monitione premiſſa ſuſpendimus a diuinis et ſuſpenſam denuntiamus Verum ſi dicta Paternitas Veſtra Reuerendiſſima prefatas interdicti et ſuſpenſionis ſententias per alios ſex dies prefatos duodecim dies immediate ſequentes animo quod abſit ſuſtinuerit indurato / eandem in hijs ſcriptis ſimili canonica monitione premiſſa exnunc prout extunc et econtra eiſdem auctoritatibus / excommunicationis ſententia innodamus et excommunicatam publice denuntiamus Si vero eadem Paternitas Veſtra Reuerendiſſima dictas interdicti ſuſpenſionis et excommunicationis reſpectiue ſententias per alios ſex dies dictos octodecim dies immediate ſequentes pertinaciter ſuſtinuerit Nos extunc attendentes quod creſcente malitia contumatia et inobedientia creſcere merito debet et pena / ne facilitas pene audatiam tribuat delinquendi / proceſſus noſtros huiuſmodi duximus aggrauandos et aggrauamus / eandemque Paternitatem Veſtram Reuerendiſſimam propterea ab ingreſſu eccleſie interdictam et a diuinis ſuſpenſam et denuntiatam / in hijs ſcriptis exnunc prout extunc et econtra canonica monitione premiſſa auctoritatibus quibus ſupra excommunicatam aggrauamus et aggrauatam denuntiamus Verum ſi dicta Paternitas Veſtra Reuerendiſſima dictas interdicti ſuſpenſionis excommunicationis et aggrauationis ſententias reſpectiue per alios ſex dies prefatos vigintiquatuor dies immediate ſequentes animo quod abſit ſuſtinuerit indurato Nos extunc quia peruerſorum audatia preſumptiua id exigit vt vnica pena non contenti fortioribus arceantur penis / ne fides illorum ledatur qui ſuperioribus ſuis obedientiam ſuam impenderunt / proceſſus noſtros huiuſmodi reaggrauandos duximus et reaggrauamus / eandemque Paternitatem Veſtram Reuerendiſſimam propterea alias ab ingreſſu eccleſie interdictam a diuinis ſuſpenſam excommunicatam et

aggrauatam denuntiatam in hijs ſcriptis exnunc prout extunc et econtra canonica monitione premiſſa auctoritatibus quibus ſupra reaggrauamus et reaggrauatam denuntiamus INHIBENTES propterea omnibus et ſingulis Chriſtifidelibus vtriuſque ſexus et preſertim familiaribus et ſeruitoribus eiuſdem Veſtre Reuerendiſſime Paternitatis ſic vt premittitur ab ingreſſu eccleſie interdicte / a diuinis ſuſpenſe / excommunicate aggrauate et reaggrauate / quatenus infra ſex dies a die habite preſentium noticie / quos dies eijs et eorum cuilibet pro trina canonicaque monitione et termino peremptorio tenore preſentium aſſignamus / ab omni participatione communione familiaritate et ſeruitio Paternitatis Veſtre ſic vt premittitur ab ingreſſu eccleſie interdicte a diuinis ſuſpenſe excommunicate aggrauate et reaggrauate penitus et omnino ceſſent et deſiſtant Nec cum ea ſeruiendo loquendo coquendo cibum potum aquam vel ignem miniſtrando aut aliquo humanitatis ſolatio preterquam in caſibus et perſonis a jure permiſſis participare preſumant / ſeu aliquis eorum preſumat Et ſi contrarium fecerint nos in eos et eorum quemlibet cum dicta Paternitate Veſtra Reuerendiſſima alias ab ingreſſu eccleſie interdicta a diuiniſque ſuſpenſa excommunicata aggrauata et reaggrauata / rebelliter participantes et contrafacientes extunc prout exnunc et econtra dicta ſex dierum canonica monitione premiſſa / excommunicationis maioris ſententiam ferimus in hijs ſcriptis et etiam promulgamus POSTREMO ſi eadem Veſtra Reuerendiſſima Paternitas ſic vt premittitur ab ingreſſu eccleſie interdicta / a diuinis ſuſpenſa / excommunicata aggrauata et reaggrauata / reaggrauationem noſtram huiuſmodi per alios ſex dies dictos triginta dies immediate ſequentes ſuſtinuerit Pharaonis duritiam imitando / ad modum aſpidum ſurdarum aures ſuas obturantium ne voces audiant incantantium Nos extunc ciuitatem veſtram Glaſguenſem / necnon omnia et ſingula alia ciuitates terras burgos oppida caſtra villas ſuburbia / et quarumcumque eccleſiarum collegia parrochias et alia loca quecunque / in et ſub quibus et ad que Veſtram Reuerendiſſimam Paternitatem / ſic vt premittitur ab ingreſſu eccleſie interdictam / a diuinis ſuſpenſam excommunicatam aggra-

uatam et reaggrauatam denuntiatam / morari declinare feu deuenire contigerit / quamdin ibidem fuerit eadem Veftra Paternitas / exnunc prout extunc et econtra canonica monitione premiffa / auctoritatibus quibus fupra tenore prefentium ecclefiaftico fupponimus interdicto Mandantes propterea vniuerfis et fingulis perfonis ecclefiafticis qnatenus extunc quamdin eadem Veftra Reuerendiffima Paternitas / fic vt premittitur ab ingreffu ecclefie interdicta / a diuinis fufpenfa excommunicata aggrauata et reaggrauata denuntiata / in locis predictis fuerit / ceffent et ab alijs ceffari faciant a diuinis Quamquidem ceffationem etiam per tres dies continuos poft eiufdem Paternitatis Veftre abinde receffum obferuent et continuent / ac ab alijs quantum in eijs fuerit obferuari et continuari faciant et permittant Ita et taliter quod huiufmodi ftante interdicto nulla ecclefiaftica facramenta in et fub eifdem locis in quibus dicta Paternitas Veftra fuerit miniftrentur / nifi Penitentia et Baptifmus cunctis indifferenter / Euchariftia infirmis tantum / et Matrimoninm fine ecclefiaftica folemnitate contrahatur / inibique et fub eifdem locis decedentibus ecclefiaftica omnino denegatur Sepultura Abfolutionem vero omninm et fingulorum qui prefatas noftras fententias aut earum aliqnam incurrerint fcn incurrere quoquomodo contigerit / nobis vel fuperiori noftro tantummodo referuamus Volumus autem et auctoritatibus prefatis decernimus prefentes literas per Paternitatem Veftram Reuerendiffimam a prefentium latore receptas vobifcum dictis die bora et loco fuperius affignatis deferre teneamini In cnius rei teftimonium prefentibus manu noftra fubfcriptis figillum noftrum rotundum eft affixum Apud Cinitatem noftram Sanctiandree die · N · menfis · N · anno Domini millefimo quingentefimo quadragefimo quinto Et noftre confecrationis anno octauo ·

Monitorium ſuper Prelatos inferiores ab Epiſcopis et viros eccleſiaſticos circumſpectos ac quorumuis ordinum Religioſos doctos et peritos ad comparendum in Concilio Prouinciali Generali indicto per Cardinalem Archiepiſcopum Primatem et de Latere Legatum ſub cenſuris vt infra·

XXII. Dauid etc · Decano Chriſtianitatis noſtre de · F · omnibuſque alijs et ſingulis perſonis eccleſiaſticis preſbiteris curatis et non curatis notarijſque et tabellionibus publicis quibuſcunque per ciuitatem et dioceſem ac prouintiam noſtras Sanctiandree / ac alias vbilibet infra regnum Scotie conſtitutis / ac illi vel illis ad quem vel quos preſentes noſtre litere peruenerint Salutem cum benedictione Diuina · Inter graues ſollicitudines *etc · vt in precedenti vsque ad clausam sequentem* Et ut hec eocitius facilius ac melius et felicius ſuccedant quo vniuerſi huius regni Coepiſcopi Prelati inferiores ac Cleri famoſior pars in vnum nobiſcum congregati [*etc., ut supra, pp.* cclxi., cclxii., *usque ad*] celebrari nobis viſum eſt / eaque fieri mandantur / Prelatorum et Cleri predictorum opera [*etc., ut supra, p.* cclxii., *usque ad*] pro Conuentione et Synodo Prouintiali Generali inter nos Prelatos et Clerum prefatos ad premiſſorum effectum [*etc., ut supra, p.* cclxii., *usque ad*] pontificatus ſui anno vndecimo tranſmiſſarum / Concilium Prouintiale Generale [*etc., ut supra, p.* cclxii., *usque ad*] ſtatuimuſque et prefigimus · Quocirca vobis · · · ſub pena ſuſpenſionis a diuinorum celebratione · · · mandamus quatenus · · · moneatis legittime in ſpecie omnes et ſingulos dominos Abbates Priores Commendatarios Prioriſſas Decanos et Collegiatarum Eccleſiarum Prepoſitos et alios viros eccleſiaſticos circumſpectos Necnon et quorumuis ordinum Religioſos doctos et peritos infra dictum veſtrum decanatum conſiſtentes quorum nomina inferius in cauda preſentium annotantur / cuiuſcunque · · · ordinis conditionis aut preeminentie fuerint / et quantumque preſulgeant dignitate et qualitercunque exemptos / ſingulis eorundem exemptionibus et priuilegijs ac indultis · · · non obſtantibus · · · quatenus vna nobiſcum et alijs reuerendis patribus ac

fratribus noſtris dominis huius regni Coepiſcopis ac Prelatis et Clero prefatis compareant perſonaliter infra dictam noſtram Metropolitanam et Primatialem Eccleſiam [*etc., ut supra, p.* cclxiii., *usque ad*] determinanda et diffinienda fuerint Sub pena excommunicationis maioris Quam in ipſos . . . monitionibus noſtris non parentes . . . trinaque canonica monitione premiſſa . . . promulgamus in hijs ſcriptis Et quos vos . . . ſic excommunicatos in eorum monaſterijs eccleſijs et alijs locis ad hoc congruentibus publice et ſolemniter denuntietis . . . a dicta denuntiatione non ceſſantes donec aliud a nobis habueritis in mandatis VERUM ſi prefati excommunicati excommunicationem huiuſmodi et illius denuntiationem per ſex dies . . . animis quod abſit ſuſtinuerint induratis Nos . . . eoſdem . . . excommunicatos aggrauamus et aggrauatos denuntiamus . . . QUOD SI FORTE quod non credimus excommunicati et aggrauati prefati huiuſmodi excommunicationis et aggrauationis reſpectiue ſententias per alios ſex dies . . animis quod abſit ſuſtinuerint induratis Nos . . . eoſdem excommunicatos et aggrauatos . . . reaggrauamus et reaggrauatos denuntiamus . . . INHIBENTES propterea omnibus et ſingulis . . . Chriſti fidelibus . . . quatenus infra ſex dies a die habite per eos noticie preſentium . . . ab omni participatione communione familiaritate et ſeruicio eorundem excommunicatorum aggrauatorum et reaggrauatorum penitus et omnino ceſſent . . . Nec cum eijs ſeruiendo loquendo coquendo cibum potum aquam vel ignem miniſtrando / aut aliquo humanitatis ſolacio preterquam in caſibus et perſonis a jure permiſſis participare preſumant / . . . et ſi contrarium fecerint Nos in eos . . . excommunicationis maioris ſententiam . . . promulgamus POSTREMO ſi excommunicati aggrauati et reaggrauati prefati reaggrauationem noſtram huiuſmodi per alios ſex dies . . . ſuſtinuerint . . . Nos extunc omnia . . . loca quecunque in et ſub quibus et ad que dictos excommunicatos aggrauatos et reaggrauatos denuntiatos morari declinare ſeu deuenire contigerit / quamdiu ibidem fuerint . . . eccleſiaſtico ſupponimus interdicto . . . Mandantes propterea vniuerſis et ſingulis perſonis eccleſiaſticis quatenus extunc quamdiu dicti

excommunicati aggrauati reaggrauati et interdicti denuntiati in locis predictis fuerint · · · cessent et ab alijs cessari faciant a diuinis · · · ita · · · quod huiusmodi stante interdicto nulla ecclesiastica sacramenta in et sub eisdem locis in quibus dicti excommunicati aggrauati et reaggrauati ac interdicti denuntiati fuerint · · · ministrentur / nisi Penitentia et Baptismus cunctis indifferenter / Eucharistia infirmis tantum / et Matrimonium sine ecclesiastica solemnitate contrahatur / inibique et sub eisdem locis decedentibus ecclesiastica omnino denegatur Sepultura Absolutionem vero omnium · · · qui prefatas nostras sententias · · · incurrerint · · · nobis vel superiori nostro tantummodo reseruamus Et presentes debite executas et indorsatas vobiscum dicto die · N · mensis · N · proxime futuri apud Sanctumandream reportetis In cuius rei testimonium presentibus manu nostra subscriptis sigillum nostrum rotundum est affixum Apud Ciuitatem nostram Sanctiandree die · N · mensis · N · anno Domini · N · etc ·

Conſtitutiones et Ordinationes Synodales annuatim in Generalibus Synodis publicande ·

XXIII. MANDAT REUERENDISSIMUS in Chriſto pator et dominus Dominus ANDREAS miſeratione diuina Archiepiſcopus Sanctiandree / totius regni Scotie Primas / Apoſtolice Sedis Legatus Natus / ac per vniuerſum regnum predictum eiuſdem Sedis cum poteſtate et facultate Legati de Latere Legatus etc · vniuerſis et ſingulis dominis Abbatibus Prioribus Archidiaconis Decanis Prepoſitis eccleſiarumque perrochialium Rectoribus / et earundem Vicariis Perpetuis / Portionarijs et Penſionarijs / ceteriſque Capellanis et Preſbiteris Curatis et non Curatis / ac Perrochialibus Clericis / in hac Sancta Synodo comparentibus / vt omnibus actis illicitis / verbis inhoneſtis / geſtiſque deformibus / penitus abiectis / congrue ſancte et deuote iuxta bonos mores ſe gerant in eccleſia hac et alijs locis reuerenter et honeſte / et abſque ſtrepitu / Sintque Decani et Rectores / Vicarij Curati ac Capellani ac Clerici Perrochiales intra eccleſiam et cemiterium eiuſdem induti ſuperpellicijs mundis / crinibus decenter abbreuiatis / hora octaua de mane parati ad proceſſionem gradatim incedentes ut moris eſt iuxta directiones Decanorum eijs tradendas / Maneantque infra cancellas chori et limites eccleſie tempore diuinorum et ſermonis / taciti et attenti / ac in vocationibus in terra proſtrati Nulluſque premiſſorum prius recedat / quam dicta Sancta Synodo finita et terminata / ac licentia ſue Reuerendiſſime Paternitatis aut ipſius Commiſſariorium prius petita et obtenta ſub pena excommunicationis maioris ·

2 ITEM mandat prefatus Reuerendiſſimus Pater moneri / et per hoc preſens publicum edictum in valuis huius Eccleſie ſue Metropolitane Sanctiandree preciſe et peremptorie monet / omnes et ſingulas perſonas beneficia eccleſiaſtica infra hanc ſuam dioceſem obtinentes Procurationes et Synodalia occaſione ſuarum eccleſiarum et beneficiorum de inſtanti et quibuſcunque annis preteritis Reuerendiſſime ſue Paternitatj / et ipſius Archidiaconis reſpectiuo

debentes / cuiufcunque dignitatis ftatus gradus ordinis conditionis vel preeminentie exiftant Ne ipfi aut eorum aliquis ab hac Sancta Synodo recedant feu recedat / nifi prius Decanis fuis aut fuis et dictorum fuorum Archidiaconorum factoribus ad id deputatis feorfum et refpectiue plenarieque et integre de premiffis fatiffaciant et fatiffaciat realiter et cum effectu fub pena excommunicationis maioris Quam in ipfas fic monitas et monitionibus huiufmodi non parentes lapfis tribus diebus publicationem prefentium immediate fequentibus in hijs fcriptis promulgat · literafque denunciatorias in ecclefijs fuis et alijs locis vbi opus fuerit exequendas nominatim etiam et in fpecie elargiri mandat in forma debita / Adjiciendo infuper mandat ne aliqui ecclefiarum Rectores Vicarij Curati et non Curati infra hanc fuam diocefem Sanctiandree commorantes et inibi moram trahentes / quafcunque pecuniarum fummas / per maiores noftros Commiffarios eijs pro eorum delictis et maioribus exceffibus ratione mulcte impofitas et de preterito ad vfum fabrice prefentis ecclefie affignatas debentes / ab hac Sancta Synodo recedant / aut de hac Ciuitate fua fe amoueant donec et quoufque de huiufmodi fummis occafione qua fupra debitis Collectori et Inductori eorundem fatiffactum et plenarie perfolutum fuerit fub pena excommunicationis maioris predicta ·

3 PRETEREA quamuis Paternitas fua Reuerendiffima ex diuerfis multimodis iteratis monitionibus et fufficientibus documentis precedentibus per eam et fuos diuerfos predeceffores habitis et intellectis / contra et aduerfus perrochialium ecclefiarum Rectores / earumque Vicarios perpetuos portionarios et penfionarios et capellanos beneficia ecclefiaftica et capellanias obtinentes / et non refidentes in eifdem / contraque focarias et concubinas publice detinentes / in graue fcandalum et preiudicium totius ecclefie / merito poterat ad eorum depriuationes a fuis beneficijs et capellanijs / ac ad alias pergraues penas iuftitia mediante procedere / eofque actualiter depriuare et punire · Cupiens tamen premiffa omnia et fingula que non modica hactenus negligentia fubiacuerint vitia / fuo potiffimum nunc tempore /

manſuetudine potius quam rigore / temperare · harum ſerie ſtatuit et monet vniuerſos et ſingulos ſupradictos intra hanc ſuam diocefem beneficia eccleſiaſtica officia aut capellanias perpetuas obtinentes / vt huiuſmodi focarijs et concubinis abiectis pulſis et repudiatis / ita quod nulla deſuper penitus ſuſpitio aut ſcandalum ammodo videri poſſit / reſidentiam perſonalem apud eorum eccleſias et capellas / vel in hac Alma Vniuerſitate ſua Sanctiandree in virtutum ſtudijs et literarum quotidianis lectionibus · laudabiliter ſeipſos exerceant / infra quadraginta dierum in regno exiſtentes / quin vero extra regnum intra quatuor menſium ſpatium / realiter incipere et continuare ſtudeant cum effectu / Ac eccleſias ſuas manſiones et domos eccleſiaſticas huiuſmodi pertinentes / reparare / reedificare / et ornamenta altaris neceſſaria prouidere faciant / intra quatuor menſes exnunc computandos / ſub pena depriuationis quo ad non reſidentes et amiſſionis ac confiſcationis quarte partis fructuum ſuorum beneficiorum fabrice huius Eccleſie Metropolitane applicandorum et ſequeſtrandorum · in publicas vero focarias et concubinas detinentes ſuſpenſionis ab officijs et diuinorum celebratione etiam carceris penis / et alijs grauioribus ſine fauore aut miſericordia / ſicuti delicti qualitas exigit infligendis / Et ipſos huiuſmodi focarias et concubinas detinentes poſt trinam correctionem ſingulis annis factam recidiuantes / et in eorum fetido facinore perſeuerantes / ſi Curati fuerint ipſos ab omni adminiſtratione in cura in qua prius adminiſtrauerant in hijs ſcriptis ſuſpendit / ſic quod ad miniſtrandum in huiuſmodi cura aut alia quacunque infra hanc diocefem nullatenus in futuram admittantur ſeu recipiantur · Et mandat propterea de cetero omnibus et ſingulis ſuis Decanis recitare et in ſcriptis porrigere nomina delinquentium et preſens ſtatutum quomodolibet infuturum violantium ſeu infringentium et ſue Reuerendiſſime Paternitati craſtino cuiuſlibet Synodi ſue exhiberi et preſentari Sub pena amotionis eorum a ſuis officijs et decanatibus etc ·

4 Ceterum idem Reuerendiſſimus Pater vniuerſa et ſingula oratoria capellas cenobia et alia loca non dedicata / niſi ſufficienter dotata fuerint ornata

reparata et edificata pro reuerentia et executione diuini cultus / quecunque ſint et quibuſcunque pertineant / per vniuerſam hanc dioceſem conſiſtentia / a celebratione diuinorum in eiſdem in hijs ſcriptis ſuſpendit et interdicit Et propterea inhibet vniuerſis et ſingulis preſbiteris huius dioceſis et alijs quorum intereſt ne ſtante huiuſmodi ſuſpenſione et interdicto ſine ipſius ſpeciali licentia et tollerantia in huiuſmodi capellis oratorijs et locis prophanis / quacunque occaſione / quaſcunque Miſſas aut alia ſacramenta eccleſiaſtica celebrare ſeu miniſtrare preſumant ſub pena ſuſpenſionis a diuinis Quam contrarium facientes incurrere wlt ipſo facto.

5 Mandat etiam ſupradictus Reuerendiſſimus Pater / iuſtis conſiderationibus et conſilijs habitis / reuocari / et per hoc preſens publicum edictum reuocat / omnes et ſingulas poteſtates et facultates audiendi et faciendi confeſſiones quibuſcunque perſonis in genere vel in ſpecie verbo vel in ſcriptis / etiam ad vitam / excepta poteſtate Fratribus Predicatoribus et Minoribus in occultis commiſſa / conceſſas Necnon et Indulgentiarum et Queſtorum literas ordinaria auctoritate emanatas / Curatorumque admiſſiones / que hactenus per ſuam Reuerendiſſimam Paternitatem non ſunt facte / Stricte inhibendo omnibus et ſingulis ſupraſcriptis ne ab hac hora inantea quouis pacto literis quibuſcunque ante datam preſentium confectis / aut facultatibus alias ipſis perſonis conceſſis / auſu temerario vti preſumant ſub ſimili excommunicationis maioris pena / quam contrarium ſcienter facientes incurrere wlt eo facto / niſi prius ipſi Curati admittendi diligenter examinati et ydonei reperti fuerint facultatem et licentiam de nouo per ſuas litteras patentes meruerint obtinere Examinationem vero omnium Curatorum admittendorum ſibi ſuiſque Commiſſarijs deputatis ac deputandis reſeruat per preſentes etc.

6 Item idem Reuerendiſſimus Pater dominus Archiepiſcopus et Legatus mandat vniuerſis et ſingulis Curatis ſue dioceſis quatenus nomina excom-

municatorum et decedentium cum partibus bonorum defunctornm / tam illorum quorum teftamenta nondum funt confirmata quam eorum quorum teftamenta confirmata exiftunt / jufte et fideliter in cedulis papiri honeftis cum nominibus ecclefiarum Receptoribus in Synodo ad hoc deputatis prefentent et deliberent fub pena excommunicationis premiffa ·

7 ADDENNO Reuerendiffimus Dominus antedictus mandat omnibus et fingulis Curatis fue diocefis [vt] pro vtilitate prolium copias teftamentorum hoc anno decedentium manibus fuis fubfcriptas fecum in prefenti et fingulis Synodis futuris deferant / et Commiffarijs ad hoc deputandis deliberent / fic quod huiufmodi Commiffarij fingulis annis prout neceffarium fuerit / executores teftamentorum huiufmodi / lapfo adminiftrationis anno / ad compotum calculum et ratiocinium fuper fideli adminiftratione in huiufmodi officio executorie reddendum legitime vocari et compelli poffint / Et ut ea melius et facilius fiant mandat prout diuerfis Synodis preteritis mandauit omnibus et fingulis fuis Decanis vt fingula teftamenta / ad fuas confirmationes ratione fuorum officiorum fpectantia / jufte et fideliter in vno libro ad hoc apto exnunc et de futuro regiftrent / Et pro regiftratura cuiuflibet teftamenti cuius defuncti pars excefferit decem libras monete Scotie / fex denarios / et infra · x · libras quatuor denarios dicte monete folum recipiant · Et quo ad maiora teftamenta que ad fue Reuerendiffime Paternitatis confirmationem veniunt / [ea] mandat fimiliter annuatim per fuos Secretarios fideliter regiftrari / et pro regiftratnra cuiuflibet eorum duos folidos dicte monete folum et duntaxat recipi Ad effectum quod proles de earnm portionibus puerilibus non defraudentur / et pie voluntates defunctorum ac eorum legata perimpleantur refpectiue et perfoluantur / fub pena fufpenfionis a diuinis quo ad Curatos / et amotionis ipforum Decanorum a fuis officijs Super executione huius ftatuti examinandi funt annuatim Secretarij et Decani in Capitulo Synodali in craftino poft Synodum annuatim tenendo etc ·

8 MANDAT etiam idem Reuerendiſſimus dominus Archiepiſcopus quod omnes ſui Decani infra ſuam dioceſem conſiſtentes omni vigilia Synodi de preſenti et de futuro ſuos Libros Correctionum Viſitationum et Exceſſuum / ac Teſtamentorum Regiſtrum / ſecum deferant / et ſibi ſuiſue Commiſſarijs ad hoc deputatis ſeu deputandis preſentent et deliberent ad effectum eos examinandi ſub pena priuationis ab eorum officijs·

9 NECNON mandat idem Reuerendiſſimus quod ſinguli Curati infra ſuam dioceſem exnunc et ſingulis annis futuris librum wlgariter Manipulus Curatorum nuncupatum in manibus ſuis in ſingulis Capitulis Synodalibus coram eo aut ſuis Commiſſarijs pro tempore exhibeant et oſtendant ut poſſint examinari ſi decernere ſciant inter caſus Papales / Epiſcopales et Sacerdotales / ne Chriſtifidelium anime in ſuis confeſſionibus et abſolutionibus aliquatenus defraudentur / ſub pena amotionis ſimpliciter ab eorum curis·

10 DEINDE cum ad officium ſue Reuerendiſſime Paternitatis pertineat omnes prauas conſuetudines de hac dioceſi extirpare / ac ſacrorum canonum factas leges diligenter obſeruari a ſubditis mandare / Ideo ut hec fiant inquantum in eo eſt intendit fideliter laborare Et quia compertum eſt duas prauas conſuetudines ymmouerius corruptelas in hac dioceſi ſua Sanctiandree inſtigante humani generis inimico contra ſalutem animarum damnabiliter increniſſe / videlicet / quod multi contra jura et ſacros canones faciant pacta ſecreta et quaſi ſponſalia clam et occulte cum mulieribus carnali copula ſubſecuta ante matrimonium contractum / in animarum ſuarum diſpendium · ex quibus oriuntur perturbationes et lites impedientes legittima matrimonia poſtea tam contracta quam etiam contrahenda / Item quod multi contra jura poſt ſponſalia facta per verba de futuro / et ante matrimonium contractum et in facie eccleſie ſolemnizatum per verba de preſenti / non verentur ad copulam carnalem accedere / Mandat igitur

ad predictas abusiones extirpandas vt omnes et singuli Curati huius diocesis Sanctiandree quater in anno / videlicet in Quatuor Temporibus / per denuntiationes generales excommunicationis ut moris est / probibeant omnes perrochianos suos ut non contrabant sponsalia clandestina secrete et in occulto / sed publice coram presbitero cum nnmero testium sufficienti / Et quod omnes sacerdotes bnius diocesis post facta sponsalia stricte prohibeant contrahentes no habeant inter se carnalem copulam qnousque matrimonium fuerit legittime contractum et in facie ecclesie per verba de prosenti solemnizatum Et hoc tam de viduis quam de alijs stricte obseruetur · Mandat preterea omnibus suis Decanis vt in eorum singulis capitulis moneant omnes Curatos sub suis jurisdictionibus existentes ut predicta faciant annnatim ut dictum est / Et faciant annuatim inquisitionem in eorum capitulis si boc mandatum debitum sortitum fuerit effectum Et mandat Curatos et Sacerdotes in premissis delinquentes in visitationibus Decanorum annuatim inscribi / et correctionem Maiorum Commissariorum suorum propterea subiri debere / Et Presbiteros et Curatos non denuntiantes quinque solidorum et partes contrabentes decem solidorum penas totiens quotiens incurrere declarat fabrice Ecclesie Sanctiandree applicandorum etc ·

11 ITEM ad cohibendum quorundam secularium abusiones qui contra jura et sacros canones (que prohibent clandestinam matrimonij solemnizationem / et etiam tempore ab ecclesia interdicto aliquatenns fieri) etiam publice contrauenire non verentur Volens igitur huiusmodi jura et canones efficaciter obseruari / stricte probibet ac inbibet ne aliquis Sacerdos vel Curatus infra suam diocesem solemnizet seu solemnizare quoqnomodo ausu temerario presumat matrimonium inter quascunque personas tempore ab ecclesia interdicto / nec etiam matrimonia clandestina / bannis tribus diebus festiuis prout de jure respectiue minime solemniter proclamatis / sub pena suspensionis a diuinorum celebratione in hijs scriptis sententie late / et etiam quadraginta solidorum fabrice huius ecclesie applicandorum /

Et ipſi contrahentes contra preceptum eccleſie poſt huiuſmodi contractum ſecundum canones per menſem ſeparentur Et interim excommunicationi ſubdantur et in penam ſue tranſgreſſionis · xl^ta · ſolidos ad fabricam huius eccleſie Sanctiandree realiter perſoluant Et ſi nobiles vel magnates fuerint decem libras ſecundum qualitatem perſonarum antequam abſoluantur / de quibus penis Decani reſpondebunt annuatim in Synodis Et ſuper obſeruatione huius ſtatuti ſinguli Decani in ſuis viſitationibus annuatim inquiſitionem tam de preteritis quam futuris faciant Et deſuper iuramentum Curatorum recipiant Et ſecum ſingulis Synodis nomina delinquentium in ſcriptis deferant Et ſue Reuerendiſſime Paternitati perſonaliter preſentent ſub pena amotionis ab eorum officijs / Examinandi enim ſunt Decani in Capitulo ſuper executione huius inquiſitionis de anno preterito etc ·

12 ITEM quia ſecundum iura Clericus non deferens habitum ſuo ordini et ſtatui congruentem / prerogatiua et honore illius ſtatus reddit ſe indignum Mandat propterea prefatus Reuerendiſſimus Pater moneri et huius publici edicti tenore expreſſe monet omnes et ſingulos Prepoſitos Decanos Rectores Vicarios Capellanos Curatos et non Curatos et ceteros Clericos ſue dioceſis / togas et veſtes ineptas ad modum organorum in dorſis fabricatas / cum manicis longis latis ac largis et in ſuperiori parte extenſas et apertas cum cordulis · habentes et portantes Necnon comis protenſis / barbis nutritis / et birretis cum cordulis ligatis ad modum laicorum et ſecularium contra vitam et honeſtatem Clericorum ac bonos mores publice in eccleſie ſcandalum incidentes / deinceps et in futurum penitus et omnino ammoueant et repellant Et huiuſmodi togas et veſtes clericalitor ſtatui ſuo congruentes non nimis breues nec nimis longas de nouo ac de cetero fabricari et aptari faciant / Birretiſque rotundis ac comis ut decet abbreuiatis vtantur / ſub pena in Prepoſitos et Rectores viginti marcarum / Prebendarios vero et Vicarios decem marcarum / inque Vicarios Penſionarios Capellanos et alios inferiores Clericos quinque marcarum pijs vſibus ad

voluntatem dicti Reuerendissimi Patris applicandarum Necnon vlterius mandat quod nullus clericus huius sue diocesis siue beneficiatus fuerit siue non de cetero publice portet loricas pelliceas seu etiam ferreas / wlgo dictas cadurcas / nec alia arma bellica / nisi duntaxat justa causa timoris / sub pena suspensionis a diuinis / et amissionis lorice seu cadurce ac aliorum armorum predictorum / quo respectiue exnunc ad fabricam huius ecclesie sue Sanctiandree decreuit applicanda · Super qua re mandat omnibus suis Decanis ut in singulis suis capitulis diligenter inquirant si aliqui clerici sue jurisdictioni subiecti post banc Synodum huiusmodi cadurcis seu armis vtebantur Et si quos inuenerint cogantur pretium ipsius cadurce ad fabricam ecclesie applicare / pro quibus penis Decani ipsi annuatim respondebunt Et nunc responsuri sunt de executione huius statuti de anno preterito ·

13 Insuper mandat idem Reuerendissimus omnibus et singulis Presbiteris Rectoribus Vicarijs Curatis et alijs quibuscunque personis ecclesiasticis ne ipsi aut eorum aliquis auxilium vel opem aut adminiculum per se vel interpositam personam ab aliqua seculari persona petant aut requirant / quum et si contigerit · eosdem pro eorum delictis criminibus et excessibus per ipsum Reuerendissimum eius Officiales Commissarios aut Decanos mulctari aut puniri / nec ab eisdem opem recipiant / seu eorum auxilio vtantur sub pena suspensionis a diuinorum celebratione in hijs scriptis sententie late Et quadraginta solidorum fabrice huius Ecclesie Sanctiandree applicandorum Super quibus in capitulis Decanorum fiat annuatim inquisitio ·

14 Vlterius quia ad aures dicti Reuerendissimi Patris (quod dolenter non sine animi amaritudine fert) deuenit et indies crescendo diuulgatum existit quod nonnulli domini temporales et alie seculares persone / ac etiam ecclesiastice / in ecclesiastice jurisdictionis et libertatis graue preiudicium detrimentum et dispendium / et contra sacrorum canonum illa fieri probibentium statuta / edunt statuunt et faciunt nonnulla statuta in eorum curijs et

ſtilis Pentbecoſtalibus alijſque certis temporibus / quibus prohibent ſeu inbibent eorum ſubditis et tenaudis / ne ipſi aut eorum aliquis alterum ſuum tenandum citet connocet conueniat aut trabat ad jndicinm eccleſiaſticum / etiam in canſis que de jure et conſuetudino ad forum eccleſiaſticum ſpectant et pertinent / ſub certa pena limitata in dictis eorum damnatis ſtatutis contenta et adiecta / et amiſſiouis ſuorum meſſuagiorum / ſententiam excommunicationis maioris a canone in ſimilia facientes latam incurrere minime verentes / Mandat propterea idem Reuerendiſſimus Pater omnibus et ſingulis Rectoribus Vicarijs Curatis et alijs Preſbiteris / quatenus quater in anno / videlicet quum Generalis Excommunicatio populo promulgatur in eorum eccleſijs / dictos ſtatutuarios excommunicatos publice declarari et denuntiari [faciaut] / Quos ſtatutuarios / cuinſcunque ſtatus aut conditionis fuerint / idem Reuerendiſſimus Dominus in hijs ſcriptis excommunicat / et excommuuicatos ab omuibus Chriſtifidelibus fugieudos et vbilibet euitandos declarat Et propterea mandat omnibus ſuis Decanis ut recipiant inquiſitionem annuatim premiſſorum ſtatutuariorum iu ſingulis ſuis viſitationibus et capitulis Et fiat vnus articulus viſitationis annuatim ·

15 ITEM quia multi ſeculares ac alij non verentur bellare et pugnare infra ſanctuarium Dei / ac eccleſias et cimeteria ſanguinis effuſione ac alijs violentijs polluere et fedare / wlt propterea idem Reuerendiſſimus preſentium tenore omnes huiuſmodi violatores et pollutores / cuiuſcunque dignitatis ſtatus gradus conditionis aut preeminentie exiſtant / ſententiam excommunicationis ipſo facto incurrere / et excommunicatos denuntiari / qnos etiam anto declarationem et denuntiationem euitandos decernit per preſentes ·

16 ITEM quia nonnulli ymmo multi literas Ordinarias ſuas et ſuorum Officialium et Commiſſariorum / perrochialibus eccleſijs executioni debite mandandas directas / a portatoribus et earundem executoribus violenter et manuforti rapiunt et detinent Ac de manibus Curatorum et aliorum executioni debite mandantium et mandari volentium capiunt ſurripiunt et

lacerant / aut alias impediunt quominus executioni debite mandentur / ſicque eccleſiaſticam juriſdictionem perturbantes · Wlt igitur idem Reuerendiſſimus Pater omnes et ſingulos huiuſmodi literarum raptores captores detentores laceratores et earundem executionis impeditores / cuiuſcunque dignitatis ſtatus gradus ordinis conditionis aut preeminentie fuerint / ſententiam excommunicationis maioris incurrere ipſo facto Et quos etiam ante denuntiationem euitandos ſimiliter decernit et a diuinis amoueri ·

17 INSUPER mandat idem Reuerendiſſimus dominus Archiepiſcopus et Legatus moneri et preſentium tenore monet expreſſe omnes et ſingulos Rectores Vicarios et Curatos perrochialium eccleſiarum et alios Capellanos quoſcunque ſue diocefis / ne petant exigant ſeu recipiant pecuniam ſeu aliquam mercedem pro executione literarum ſue Reuerendiſſime Paternitatis vel ſuorum Officialium aut Commiſſariorum / Quinymmo ſtatim viſis dictis literis et omni dilatione et excuſatione poſtpoſitis / executionem debitam de eiſdem faciant / et ipſas per eos indorſatas ut moris eſt partibus et latoribus gratis et libere reſtituant ſub pena ſuſpenſionis a diuinorum celebratione in hijs ſcriptis ſententie late Et quinque ſolidorum qualibet vice in delinquentes abſque miſericordia recipienda ·

18 PRETEREA cum ſicut ex publica vulgi fama diuerſis vicibus ipſi Reuerendiſſimo Patri denuntiatum exiſtit / Sacratiſſimum Chriſti noſtri Saluatoris Corpus ac Sacroſanctum Euchariſtie Sacramentum / non ſolum per totam ſuam diocefem / ſeu ſaltem eiuſdem maiorem partem / verumetiam per ſuam ciuitatem Sanctiandree per eccleſiarum Vicarios et Curatos et alios Preſbiteros / pro infirmorum communione inhoneſte ac occulte per plateas et perrochias defertur Mandat propterea idem Dominus Reuerendiſſimus vniuerſis et ſingulis Rectoribus Vicarijs et eorum Curatis ceteriſque Sacerdotibus quibuſcunque per ciuitatem et diocefem ſuas Sanctiandree conſtitutis / vt maior reuerentia et debitus honor eedem Euchariſtie Sacroſancte per populum vulgarem exhibeatur / quod deinceps honeſte et decen-

ter fuperpellicijs mundis et ftola induti / cum vno cereo feu lucerna ardente adminus precedente / ac vna campanella in manibus miniftri fonante / Eucbariftiam ipfam per ciuitatem et perrochias predictas publice deferetur / fub pena quadraginta folidorum in quemlibet delinquentium totiens quotiens etc · abfque remiffione fabrice ecclefie Sanctiandree applicandorum Et defuper fiat annuatim per Decanos inquifitio in eorum vifitationibus et capitulis Et cuius correctio ad Commiffarios Maiores Reuerendiffime fue Paternitatis deinceps pertinebit ·

19 Mandat etiam dictus Reuerendiffimus Pater ut concubine et focarie Ecclefiafticorum et precipue Sacerdotum ex ipfis Sacerdotibus concipientes non purificentur poft partum / Nifi prius preftita per eas fufficienti cautione de abftinendo in futurum a copula carnali et cobabitatione fufpecta / fub pena folutionis viginti folidorum in perfonam capellani huiufmodi focariam feu concubinam purificantis fabrice ecclefie fue Sanctiandree applicandorum et perfoluendorum ·

20 Ceterum ut paruulorum et innocentium oppreffio que frequenter contingit caueatur Idcirco mandat idem Reuerendiffimus dominus Archiepifcopus parentibus et nutricibus eorundem paruulorum Ne ipfi paruuli quoquomodo in lectis eorundem vfque ad biennium a natiuitate ipforum adminus recipiantur Sed quod colligantur et difcrete atque diligenter in eorum cunabulis reponantur Mandantes fimiliter omnibus et fingulis Vicarijs et Curatis ut ipfos parentes et nutrices de premiffis follicite in eorum ecclefijs publico inftruant informent et infinuent / fub pena fufpenfionis a diuinorum celebratione predicta ·

21 Mandat etiam idem Reuerendiffimus Pater moneri et prefentium tenore monet omnes et fingulos Vicarios Penfionarios / feu penfiones perpetuas pro adminiftratione in curis babentes / quatenus indilate in adminiftratione quotidiana diuinorum et Sacramentorum fuis perrocbianis perfonaliter

in propria perſona apud ſuas eccleſias reſideant Et ſubſtitutos ab eiſdem ammoueant Et per ſeipſos in dictis curis deſeruiant ſub pena depriuationis a ſuis beneficijs et penſionibus ·

22 ITEM predictus Reuerendiſſimus dominus Archiepiſcopus et Legatus mandat moneri et monet omnes Decanos ſuos quatenus ipſi in proximis eorum capitulis ut moris eſt tenendis fidelem inquiſitionem vnuſquisque reſpectiue in ſuo Decanatu de omnibus et ſingulis fundationibus capellaniarum perpetuarum faciant Et nomina et cognomina capellanorum in huiuſmodi capellanijs non deſeruientium / et fundationes ipſas quomodolibet infringentium / ſibi in ſcriptis realiter exhibeant / vt poſſit propterea remedium ſalubre ne anime fundatorum debitis fraudentur obſequijs prout juris ordo dictauerit adhibere / ſub pena ammotionis ab eorum officijs Examinandi enim ſunt Decani ſuper executione huius ſtatuti de anno preterito in proximo capitulo ·

23 NECNON mandat idem Reuerendiſſimus Pater moneri et huius publici edicti tenore expreſſe monet omnes et ſingulos Curatos ſue dioceſis quatenus die Mercurij in Capitulo Synodali coram eo ſeu ſuis depputatis Commiſſarijs pluribus aut vno realiter et in ſcriptis omnia nomina et cognomina Preſbiterorum ſuarum eccleſiarum reſpectiue necnon et Clericorum Perrochialium earundem exhibeant / vt idem Reuerendiſſimus pro diuino ſeruitio obſeruando in ſuis eccleſijs curis et officijs de remedio prouideat oportuno / ſub pena ſuſpenſionis predicta ·

24 VLTERIUS mandat prefatus Reuerendiſſimus dominus Archiepiſcopus et Legatus moneri et preſentium tenore monet omnes et ſingulos Rectores Vicarios Perpetuos et Penſionarios in ſuis eccleſijs degentes / necnon eorum Curatos et Capellanos quoſcunque in dictis eccleſijs capellanias ex fundatione ſeu alias ex ſtipendio habentes / quatenus in proprijs perſonis omnibus Sabbatis ad Veſperas / in Dominiciſque et alijs quibuſcunque feſtiuis diebus

ad Magnam Miſſam et Veſperas compareant in dictis eccleſijs perſonaliter Et inibi (campanis pulſatis et cereis ſuper ſummum altare ut moris eſt accenſis / ſuperpellitijs mundis indutos) diſtincte alta et intelligibili voce ſuas Veſperas Matutinas et Miſſas deuote celebrent Vt diuinum ſeruitium eoamplius eorum obſequijs ad populum wlgarem eocitius ad deuotionem incitandum / augeatur Sub pena duorum ſolidorum qualibet vice in delinquentes · Necnon ſimiliter monet omnes et ſingulos Clericos Perrochiales eorumque ſubſtitutos ſimiliter ſuperpellitijs indutos quatenus predictis celebrationibus interſint Et ibidem vt de jure et conſuetudine in officijs ſuis tenentur miniſtrent / ſub pena priuationis ab eorum officijs Necnon ex certis rationabilibus cauſſis animum ſuum mouentibus / monet dictos Clericos Perrochiales quatenus in proximo Capitulo per ſuam Reuerendiſſimam Paternitatem ſtatuendo / admiſſiones et confirmationes ſuas Ordinarias / coram eo ſeu ſuis in hac parte pro tempore deputatis Commiſſarijs perſonaliter et non per ſubſtitutos realiter et de facto exhibeant / ſub pena priuationis ab eorum officijs in non exhibentes abſque vlla miſericordia infligenda Super qua re annuatim Decani tempore ſuarum viſitationum capiant inquiſitionem Et examinandi ſunt annuatim in Capitulo Synodali ſuper huiuſmodi inquiſitione per eos facta ·

ADDENDO ſtatuit et ordinat predictus Reuerendiſſimus omnes et ſingulos in excommunicationis ſententia inſordeſcentes per annum ſcienter (niſi fuerit per eos legittime appellatum) ab omnibus Chriſtifidelibus hereticos cenſeri haberi et reputari / ipſoſque pro hereticis et publicanis ab omnibus accuſandos fore et debere / Et propterea mandat omnibus et ſingulis Curatis ſue diocceſis quatenus huiuſmodi viros ſceleratos et vltra annum ſine trepidatione et Dei timore nequiter in excommunicatione huiuſmodi perſeuerantes et inſordeſcentes / in eccleſijs ſuis coram populo Chriſtiano ad diuina congregato hereticos et publicanos publice denuntient / Inhibendo eiſdem Chriſtifidelibus ſub excommunicationis ſententia ne cum ipſis ſic denuntiatis de cetero communicent / donec ad gremium Sancte Matris

Ecclefie recurrerint beneficium abfolutionis humiliter obtenturj De quibus finguli Decani annuatim in fuis vifitationibus docetero inquifitionem faciant Et eandem in quolibet Capitulo Synodali in fcriptis referent et exhibeant fub pena amotionis ab eorum officijs etc ·

26 ITEM ut Alma Vniuerfitas fua Sanctiandree fcolarium et ftudentium numero et multitudine polleat / Religioque facra Deo dicata virtutum et fcientiarum donis / in eadem pro vberiori Religioforum infra fuam diocefem Altiffimo Domino famulantium / in Euangelica lege facra inftructione accrefcat / Et fructus in Ecclefia Dei Catholica militante contra oblatrantes hereticos Sacrofanctam Chriftianam fidem labefactantes afferat vberiores / Mandat propterea idem Reuerendiffimus Pater dominus Archiepifcopus et Legatus omnibus et fingulis Abbatibus Prioribus et monafteriorum Commendatarijs infra fuam diocefem Sanctiandree exiftentibus quatenus infra quadraginta dies poft publicationem prefentium duos Religiofos profeffos ex vnoquoque monafteriorum de Sanctoandrea / Abyrbrothok / Dunfermlyng / Scona / Cupro · Lundoris / Cambufkynnet / Sanctacruce et Newbottill / necnon vnum Religiofum ex vnoquoque monafteriorum de Calco / Dryburghe · Coldinghame et Balmerinoche / ad continue refidendum et in fcientijs et virtutibus in dicta fua Alma Vniuerfitate Sanctiandree ftudendum / ad Vniuerfitatem ipfam et eorum Religiones decorandum / prout ex antiqua approbata et laudabili confuetudine fieri confueuit / fumptibus tamen dictorum monafteriorum honeftis et congruentibus mittant / et quilibet eorum mittat realiter et cum effectu / fub pena · xx[ti] · librarum monete Scotie pro quolibet Religiofo non miffo pijs vfibus juxta fue Reuerendiffime Paternitatis arbitrium applicandarum et abfque vlla remiffione leuandarum ·

27 DEMUM fepedictus Reuerendiffimus dominus Archiepifcopus et Legatus mandat omnibus et fingulis fuis Decanis quatenus copias prefentium Conftitutionum et Statutorum infra tres dies immediate fequentes fecum deferant

Et ſingulis Curatis / vnuſquiſque eorum infra ſuum Decanatum copias earundem reſpe&iue in ſuis proximis Capitulis per eos ut moris eſt tenendis / ſumptibus tamen di&orum Curatorum congruentibus / realiter in ſcriptis ut Statuta et Conſtitutiones predi&a melius per eos ſeruentur exhibeant / ſub pena amotionis ab eorum officijs Necnon mandat omnibus et ſingulis Curatis antedi&is quatenus huiuſmodi copias vnuſquiſque reſpe&iue pro ſe ſue Reuerendiſſime Paternitati in ſingulis Capitulis Synodalibus perſonaliter preſentent et exhibeant Sub pena quinque ſolidorum in non exhibentes pijs vſibus applicandorum et abſque miſericordia leuandorum · Examinandi enim ſunt Decani et Curati de obſeruatione huius ſtatuti de anno preterito in proximo Capitulo ·

Absolutionem vero ſeu relaxationem omnium et ſingulorum qui huiuſmodi ſententias cenſuras et penas quoquomodo premiſſorum occaſione incurrerint ſeu incurrere contigerit / di&us Reuereudiſſimus Pater dominus Archiepiſcopus et Legatus ſibi et ſuis in hac parte deputatis Commiſſarijs ſpecialiter et expreſſe referuat Et hoc omnibus et ſingulis quorum intereſt inſinuat per preſentes Quibus ſigillum rotundum di&i Reuerendiſſimi Domini preſentibus eſt affixum Apud etc ·

Monitorium contra beneficiatos pro reſidentia facienda ſub pena confiſcationis quarte partis fru&uum ſuorum beneficiorum / cum ſequeſtratione eorundem / in euentu non paritionis ·

XXIV. Andreas etc · Decano Chriſtianitatis noſtre de · L · · · · Dudum ſiquidem licet omnes et ſingulos beneficiatos videlicet Prepoſitos Prebendarios Rectores Vicarios Perpetuos / Portionarios et Penſionarios ac altariſtas capellanias ex fundationibus habentes noſtre dioceſis et nobis ſubie&os / in duobus noſtris Synodis vltime preteritis per nos perſonaliter in noſtra Metropolitana San&iandree et Monaſteriali San&e Crucis eccleſijs reſpectiue tentis et celebratis / verbo et viue vocis oraculo / necnon et in

ſcriptis per noſtras Conſtitutiones Synodales in valuis prefatarum eccleſiarum publico affixas / et in noſtris Synodis prefatis per noſtrum Secretarium publice alta et intelligibili voce in noſtra et cleri ibidem congregati preſentia perlectis / quatenus infra certum tunc expreſſum terminum quadraginta dierum dictam publicationem immediate ſequentium / quem terminum eijs et eorum cuilibet tunc pro termino peremptorio aſſignauimus / reſidentiam continuam et perſonalem apud ſuas eccleſias beneficia et capellanias facerent / aut in Vniuerſitate noſtra Sanctiandree in lectionibus literarumque ſcientijs et virtutibus ſtuderent / ſub pena tunc per nos videlicet confiſcationis et leuationis quarte partis fructuum beneficiorum ſuorum in pios vſus noſtra ex conſideratione applicandorum abſque vlteriori juris vel facti proceſſu inflicta et impoſita / rite legitime et Sacris Canonibus id dictantibus monuimus / prout in dictis noſtris Conſtitutionibus Synodalibus plenius continetur Nichilominus . . . reſidentiam perſonalem in ſuis beneficijs eccleſijs et capellanijs aut in noſtra Vniuerſitate antedicta minime facere curarunt nec curant de preſentj Nos igitur . . . predictas penas prius contra eos inflictas ad effectum debitum producere intendimus . . . Vobis igitur . . . mandamus quatenus omnes et ſingulos collegiatarum eccleſiarum Prepoſitos earumque Canonicos et Prebendarios / perrochialiumque eccleſiarum Rectores Vicarios Perpetuos Portionarios et Penſionarios et capellarum ac capellaniarum Capellanos noſtre diocesis et infra veſtrum Decanatum exiſtentes quorum nomina et cognomina et beneficia . . . in cauda preſentium nominatim et in ſpecie annotata ſunt . . . moneatis legitime . . . quatenus adhuc et de nouo infra · xv · dies monitiones huiuſmodi proxime et immediate ſequentes . . . ad ipſa ſua beneficia eccleſias et capellanias reuertantur et in eiſdem perſonaliter reſideant Et curam in eijs ut de jure tenentur per ſe ſtudeant exercere Aut in noſtra Vniuerſitate Sanctiandree antedicta in lectionibus literarumque ſcientijs et virtutibus ſtudeant ſub pena . . . antedicta . . . Quam in ipſos . . . lapſis dictis quindecim diebus per vos Decanum Chriſtianitatis de · L · . . . leuari et confiſcari volumus . . . Et in euentum . . . quod aliquod impedimentum

vobis · · · quominus huiusmodi quartam partem · · · pacifice leuare · · · possitis illatum extiterit / Vobis extunc · · · mandamus quatenus omnes et singulos fructus · · · beneficiorum suorum impedimenta huiusmodi prestantium · · · sequestretis et sub arto sequestro ecclesiastico in manibus perrochianorum ecclesiarum earundem · · · ponatis · · · Et presentes debite executas et indorsatas nobis quantotius poteritis remittatis Datum etc ·

Monitorium contra Executores Defunctorum ad presentanda Testamenta et Inuentaria infra nouem dies post decessus testantium pro confirmatione habenda etc ·

XXV. Andreas etc · Curato perrochialis ecclesie de · E · · · · Quia alias in Synodo nostra Generali vltime elapsa et per nos personaliter in Ecclesia Monasteriali Sancte Crucis tenta per nostras Generales Synodales Constitutiones in valuis dicte ecclesie publice affixas / et in Synodo ipsa per nostrum Secretarium Scribam et Tabellionem alta et intelligibili voce in nostra presentia perlectas et publicatas / statuimus et ordinanimus / vt deinceps omnes et singuli executores testamentarij infra nostram jurisdictionem decedentium / Inuentaria bonorum siue Testamenta eorundem nobis et nostris in hac parte deputatis seu deputandis Commissarijs pluribus aut vni / infra nouem dies post eorundem decessus pro confirmationibus dictorum Testamentorum a nobis habendis / et cotis propterea eo pretextu nobis debitis persoluendis / realiter et in scriptis exhiberent Ipsosque generaliter et in genere ad dictas Constitutiones et Ordinationes perimplendas et inuiolabiliter obseruandas sub certis tunc expressis penis legitime monuimus Et quanquam ad dictas penas · · · in contemptores · · · procedere possimus absque vlteriori · · · processu Nichilominus mitius secum agere volentes Vobis · · · mandamus quatenus · · · moneatis legitime exnunc et de nouo in genere omnes et singulos vtriusque sexus defunctorum seu decedentium infra vestram perrochiam executores testamentarios

. . . vt infra nouem dies deinceps a die deceſſus teſtantis . . . immediate ſequentes . . . buiuſmodi Teſtamenta et bonorum Inuentaria nobis vel noſtris Commiſſarijs antedictis pro confirmationibus babendis / et cotis nobis propterea debitis gratanter perſoluendis / realiter et de facto exhibeant Sub pena ſuſpenſionis a diuinis in preſbiteros et excommunicationis in laicos Ac certificantes eoſdem . . . nos . . . ad dationem et conſtitutionem Executorum Datiuorum eiſdem defunctis . . . lapſis dictis diebus procedemus . . . Et preſentes etc. Data etc.

Monitorium contra abſentes a Synodis et Capitulis pro eorum penis et mulctis ſoluendis.

XXVI. Andreas etc. Decano Chriſtianitatis noſtre de . F . . . . Cum omnes et ſinguli monaſteriorum infra noſtram dioceſem conſiſtentium Prelati Abbates Priores et Prioriſſe / collegiatarumque eccleſiarum Prepoſiti Decani Canonici et Prebendarij / perrochialiumque eccleſiarum Rectores et earundem Vicarij Perpetui Portionarij et Penſionarij / ac alij viri eccleſiaſtici Preſbiteri Capellani capellanias ſeu altaragia habentes / necnon alij quicunque tam Curati quam non Curati ac Clerici Perrochiales infra eandem noſtram dioceſem conſiſtentes / ad noſtram Generalem Synodum et eiuſdem Capitulum ſingulis annis de jure et ex laudabilibus approbatiſque Statutis et Ordinationibus tam Prouintialibus quam Synodalibus pro bono et vniuerſalis eccleſie vnione / ac debita correctione et reformatione in ſubditos delinquentes fienda perſonaliter comparere / noſtraque Statuta Decreta et Ordinationes Synodalia buiuſmodi et in eijs contenta annuatim in dicta noſtra Synodo perlecta et publicata obſeruare / tenentur et ſtricte obligantur Nonnulle tamen perſone eccleſiaſtice predicte . . . a noſtris Synodo et eiuſdem Capitulo proxime preteritis et earundem vocationibus contumaciter ſe abſentarunt / penas propterea et mulctas ex conſuetudine approbata impoſitas incurrendo . . . Vobis igitur . . . ſub pena ſuſpenſionis a diuinorum celebratione . . . mandamus quatenus omnes . . . quorum nomina

··· et cognomina vnacum ſuis penis et mulctis et penarum cauſis inferius in cauda preſentium annotantur ··· moneatis legitime ··· vt infra nouem dies monitiones huiuſmodi ··· immediate ſequentes ··· vobis Decano nomine noſtro de ſubſcriptis pecuniarum ſummis ··· ſatiſfaciant et perſoluant ··· ſub pena ſuſpenſionis a diuinorum celebratione in Preſbiteros et excommunicationis in Clericos Perrochiales non Preſbiteros ··· Et ſi forſan huiuſmodi ··· ſententias per alios nouem dies denuntiationem ··· huiuſmodi immediate ſequentes animis quod abſit induratis ſuſtinuerint ··· omnes et ſingulos fructus ··· ſuorum monaſteriorum beneficiorum capellaniarum et clericatuum vſque ad ··· integram penarum et mulctarum antedictarum ſolutionem ··· ſequeſtretis et ſub arto eccleſiaſtico ſequeſtro ſupponatis ··· in manibus eorundem perrochianorum vel firmariorum prout vobis Decano videbitur melius expediens ··· Et preſentes debite executas et indorſatas apud vos Decanum retineatis Datum etc·

Excommunicatio in polluentes Cimeterium ſanguine humano, in vim Statuti Synodalis·

XXVII. Andreas etc. Curato perrochialis eccleſie de · N · etc. ··· Quia alias ad obuiandum temerarijs auſibus ſecularium et aliarum perſonarum que Dei timore poſtpoſito / bellare et pugnare infra Dei ſanctuarium / ac eccleſias et cimeteria ſanguinis humani effuſione et alijs violentijs polluere et fedare non verentur / omnes et ſingulos huiuſmodi violatores et pollutores cuiuſcunque dignitatis ſtatus gradus ordinis aut conditionis exiſtant / per Conſtitutiones noſtras Synodales annuatim in ſingulis noſtris Synodis Generalibus ſolemniter publicatas / ſententiam excommunicationis maioris ipſo facto incurrere et excommunicatos denuntiari Et quos etiam ante denuntiationem publicatam ab omnibus Chriſtifidelibus ut excommunicatos euitandos fore et eſſe decreuimus / prout in dictis Conſtitutionibus plenius continetur Et ſicuti ··· accepimus quidam · N · N · et · N · laici ··· quendam · W · D · infra cepta cimeterij dicte eccleſie de · N · vſque ad magnam

ſanguinis effuſionem die · N · menſis · N · proximo preteriti / violenter et crudeliter wlnerarunt / cimeterium predictum humano ſanguine polluentes et fedantes / ſententiam excommunicationis maioris propterea damnabilitor incurrentes · Vobis igitur etc · ſtricte precipiendo mandamus quatenus dictos · N · N · et · N · laicos ſic ut premittitur premiſſorum occaſione excommunicatos / in eccleſia antedicta omnibus diebus Dominicis et feſtiuis publice et ſolemniter denuntietis · A dicta denuntiatione non ceſſantes donec a nobis aliud habueritis in mandatis Et preſentes etc · Datum etc ·

Monitorium cum denuntiatione inſerta contra Vicarium ad ſatiſfaciendum de feodo Curati videlicet decem librarum juxta formam Statuti Synodalis deſuper editi

XXVIII. David [miſeratione diuina tituli Sancti Stephani in Celio Monte Sancte Romane Eccleſie preſbiter Cardinalis / Sanctiandree Archiepiſcopus / totius regni Scotie Primas / Apoſtolice Sedis Legatus Natus] etc. Decano Chriſtianitatis noſtre de · M · · · · Cum alias nos in diuerſis noſtris Synodis prioribus per nos perſonaliter tentis et celebratis / matura deliberatione deſuper prehabita de Cleri noſtri conſilio per totam noſtram dioceſem Sanctiandree generaliter ac indifferenter et inuiolabiliter obſeruandum per Rectores et Vicarios omnes infra noſtram dioceſem conſiſtentes / Curatos ſub ſe in eorum eccleſijs ad deſeruiendum in earundem curis pro tempore habentes / cuilibet videlicet Curato pro tempore rite Ordinaria auctoritate admiſſo pro ſuo feodo annuali ſtipendio et ſalario pro deſeruitione et miniſtratione in cura huiuſmodi / ſummam decem librarum vſualis monete regni Scotie adminus in pecunia numerata in terminis ſolitis et conſuetis / aut ſaltem duodecim marchas dicto monete cum toftis et croftis ac terra eccleſiaſtica ad valorem adminus trium aliarum ſimilium marcharum dictam ſummam decem librarum inſimul conſtituentibus / annuatim perſolui et ſatiſfieri decreuerimus impoſuerimus ſtatuerimus mandauerimus et ordinauerimus / prout in noſtris

Sta[tu]tis Synodalibus ac etiam in Prouintialibus noſtris Conſtitutionibus deſuper editis confectis et publicatis plenius continetur ... Vobis igitur ... ſub pena ſuſpenſionis a diuinorum celebratione ... mandamus quatenus moneatis legitime Dominum · Jo · K · vicarium penſionarium perrochialis ecclesie de · C · noſtre diocesis perſonaliter apprehenſum / ſi eius preſentiam commode habere poteritis / alioquin publice in dicta perrochiali eccleſia · de C · in qua Vicarius Penſionarius exiſtit et apud illam perſonaliter reſidere per Statuta noſtra Synodalia huiuſmodi debeat · et ad hoc aſtringitur . die quodam Dominico ſiue alio feſtiuo in populi inibi ad diuina audienda congregatorum preſentia . . . vt infra quindecim dies monitiones huiuſmodi ... immediate ſequentes ... diſcreto viro Domino · Jo · L · curato dicte eccleſie de · C · per nos ſeu auctoritate noſtra rite admiſſo / de quinque marcis vſualis monete regni Scotie de terminis preteritis pro ſuo feodo et ſalario in deſeruitione cure dicte eccleſie perrochialis debitis ... necnon de cetero et infuturum de prefata ſumma decem librarum vel eiuſdem equiualentia . . . annuatim et terminatim in feſtis Inuentionis Sancte Crucis / Sancti Petri ad Uincula / Omnium Sanctorum et Purificationis Beate Marie Virginis · feodum et ſalarium Curatorum antea perſolui ſolitis et conſuetis / per quatuor equales portiones . . . plenarie ... ſatiſfaciat et perſoluat / aut ſecum deſuper amicabiliter componat ... ſub pena excommunicationis maioris ... Et preſentes etc · [Datum etc] ·

Monitorium pro ſolutione Procurationum et Synodalium annuatim debitorum / et in Synodo perſolui ſolitorum / juxta formam Statutorum Synodalium ·

XXIX. Dauid etc · Decano Chriſtianitatis noſtre de · H · . . . Quia alias in noſtra vltima Synodo Generali per nos in Eccleſia Noſtra Metropolitana et Primatiali Sanctiandree die Martis viceſimo ſecundo menſis inſtantis Aprilis perſonaliter tenta Ac alias in ſingulis alijs Synodis noſtris Generalibus per nos et Commiſſarios noſtros ad hoc ſpecialiter pro tempore

deputatis a die profeĉtionis noſtre ad Primatialem et Metropolitanam Eccleſiam Sanĉtiandree reſpeĉtiue tentis et celebratis per Conſtitutiones noſtras Synodales forma ediĉti publici confeĉtas et annuatim in Synodo noſtra prefata leĉtas et publicatas Omnes et ſingulos monaſteriorum et ordinum quorumcunque Abbates Priores Prioriſſas Prepoſitos et Prelatos Eccleſiaſticos et perrochialium eccleſiarum Reĉtores et earundem Vicarios Perpetuos Portionarios et Penſionarios / ac eccleſiarum et monaſteriorum ac prioratuum buiuſmodi Commendatarios prelaturas ac beneficia eccleſiaſtica infra noſtram dioceſem Sanĉtiandree obtinentes / Procurationes et Synodalia ratione ſuarum eccleſiarum et beneficiorum ac monaſteriorum prioratuum et prelaturarum huiuſmodi de inſtanti / et quibuſcunque annis preteritis / nobis debentes Eorumque firmarios ac fruĉtuum reddituum jurium decimarum et prouentuum ſuorum monaſteriorum prioratuum prioriſſatuum prelaturarum et beneficiorum receptores et intromiſſores / cuiuſcunque dignitatis ſtatus gradus ordinis conditionis vel preeminentie exiſtant Ne ipſi aut eorum aliquis in proxime preterita et alijs Synodis noſtris illam precedentibus pro tempore comparentes ſeu comparere debentes / a Synodo et Synodis reſpeĉtiue prefatis recederent ſeu recederet Niſi prius Decanis noſtris aut eorum faĉtoribus ad id ab eijs deputatis ſeorſum et reſpeĉtiue plenarieque et integre de eiſdem Procurationibus et Synodalibus per eos et eorum quemlibet vt premittitur reſpeĉtiue debitis ſatiſfacerent et perſoluerent ſatiſfaceretque et perſolueret realiter et cum effeĉtu ſub pena excommunicationis maioris / monuimus Ac in ipſos et eorum quemlibet ſic monitos et monitionibus noſtris huiuſmodi non parentes lapſis tunc tribus diebus monitiones huiuſmodi proxime et immediate ſequentibus per huiuſmodi noſtras Conſtitutiones Synodales ſententiam excommunicationis maioris huiuſmodi promulgauimus Literaſque noſtras deſuper denuntiatorias in monaſterijs ac eccleſijs ſuis et alijs locis vbi opus fuerit exequendas nominatim etiam et in ſpecie in forma debita emanari decreuimus Prout in diĉtis noſtris Conſtitutionibus Synodalibus ſuper hoc editis et annuatim vt premittitur publicatis latius

et plenius continetur Et ſicut te Decano noſtro antedicto referente accepimus nonnulli domini Abbates Priores Prioriſſe Commendatarij Prepoſiti ac perrochialium eccleſiarum Rectores et earundem Vicarij Perpetui Portionarij et Penſionarij / ac alij beneficiati infra dictam noſtram Chriſtianitatem et Decanatum de · H · conſiſtentes / Procurationes et Synodalia nobis de preſenti et alijs annis preteritis reſpectiue debentes / eorumque firmarij / ac fructuum reddituum et prouentuum monaſteriorum prioratuum prioriſſatuum prepoſiturarum ac beneficiorum ſuorum receptores et intromiſſores / Conſtitutione noſtra Synodali prefata per eos · et eorum quemlibet omnino ſpreta et contempta / a dicta noſtra vltima et alijs Synodis precedentibus / nulla penitus ſatiſfactione ſeu ſolutione de dictis noſtris Procurationibus et Synodalibus nobis ut premittitur ratione prelaturarum et beneficiornm ſuorum annuatim per eos debitis et in Synodo perſolui ſolitis · · · vobis Decano · · · prefato facta · · · contemptibiliter receſſerunt Seu ab eiſdem Synodis noſtris ſe contumaciter abſentarunt Et quanquam premiſſorum vigore contra eos · · · de preſenti ad eorundem · · · in excommunicationis maioris ſententie prefate · · · incurſus declarationem et denuntiationem procedere potuiſſemus Nichilominus mitius cum eijs agere volentes Vobis propterea · · · ſub pena ſuſpenſionis a diuinorum celebratione ſtricte precipiendo mandamus quatenus · · · moneatis legittime · · · quorum nomina et cognomina vnacum pecuniarum ſummis per eos · · · ratione Procurationum et Synodalium predictorum debitis inferius in cauda preſentium annotantur · · · omnes et ſingulos predictos · · · vt infra quindecim dies monitiones huiuſmodi · · · immediate ſequentes · · · vobis venerabili viro Magiſtro · N · dicte noſtre Chriſtianitatis de · H · decano · · · nomine noſtro de huiuſmodi Procurationibus et Synodalibus inferius ſpecificatis · · · plenarie et integre ſatiſfaciant et perſoluant · · · ſub ſimili maioris excommunicationis pena Quam in ipſos · · · monitionibus noſtris huiuſmodi non parentes · · · lapſis dictis quindecim diebus trinaque canonica monitione premiſſa ferimus et promulgamus · · · Et quos vos · · · ſic nominatim

et in ſpecie in executione preſentium nominandos excommunicatos · · · infra Miſſarum et aliarum horarum diuinarum ſolemnia publice et ſolemniter denuntietis · · · Verum ſi excommunicati et denuntiati prefati dictam excommunicationis ſententiam per alios quindecim dies · · · ſuſtinuerint · · · nos · · · omnia et ſingula fructus redditus prouentus jura decimas obuentiones et emolumenta monaſteriorum · · · et aliarum eccleſiarum ac beneficiorum predictorum nobis Procurationes et Synodalia vt premittitur debentium harum ſerie auctoritate noſtra Ordinaria in manibus ſingulorum perrochianorum eorundem ſequeſtramus · · · Inhibentes propterea omnibus · · · Chriſtifidelibus ne ipſi · · · hoc noſtro durante ſequeſtro illud quoquomodo violare · · · preſumant · · · ſub pena excommunicationis maioris · · · Vlterius · · · vobis prefato Magiſtro · N · Decano noſtro · · · omnes et ſingulos · · · prefatos qui dictam excommunicationis maioris ſententiam · · · incurrerint · · · dummodo tamen vobis Decano noſtro nomine noſtro de huiusmodi Procurationibus et Synodalibus per eos · · · debitis plenarie · · · perſolutum aut alias amicabiliter concordatum fuerit · · · in forma eccleſie conſueta abſoluendi · · · recepta tamen primitus ab eiſdem · · · juramento ſolito · · · de ſtando mandatis eccleſie / et iniuncta inde eijs · · · pro modo culpe penitentia ſalutari · · · noſtram · · · committimus poteſtatem · · · Et preſentes etc · Datum etc ·

Johannis II. Archiepifcopi quondam Lugdunenfis epiftola ad G[ulielmum] Glafcuenfem Epifcopum, de temporali regimine Ecclefiae Lugdunenfis.

XXX. Venerabili domino et confacerdoti G. Dei gratia Glafcuenfi Epifcopo, J. primae Lugdunenfis ecclefiae quondam Archiepifcopus, nunc autem Sacerdotum Chrifti minimus, falutem in vero falutari.

Sicut vobis, bone frater, per priores litteras veftras refponderamus, fcimus quidem multo prudentiores et difcretiores viros in reditu veftro, quem profperum fore defideramus, invenire poteritis, qui vobis fuper quaeftionibus quas nobis propofuiftis, et aliis, fi quae vobis forte occurrerint, prudentius et plenius refpondere poterunt: maxime cum per civitatem Parifienfem viam veftram dirigere difpofueritis, ubi multos tam divini quam humani juris peritos inveniri poffe dubium non eft. Verum ne follicitudinem noftram omnino vacuam relinquamus, id quod majorum exemplo et noftri quoque temporis experimento profequuti fumus, vobis pro modulo noftro refpondere curabimus.

Sedes illa Archiepifcopalis, in qua nunc Pontificalis honoris confecrationem recepiftis, ubi per aliquot annos, licet indigni, honore Pontificali functi fumus; pleniffimam habet jurifdictionem, quam vos Baroniam vocatis, tam infra terminos Imperii, quam regni Francorum, quia propria loci illius parochia infra fines utrofque limitatur: nec exiftimamus, quod alia facile inveniatur ecclefia, quae tantae libertatis utrimque gaudeat praerogativa. Nos itaque impofiti nobis honoris et oneris officio juxta confuetudinem anteceflorum noftrorum hoc modo utebamur. Habebam fiquidem Senefcallum, cui follicitudinem et curam forenfium negotiorum committebam, qui pro negotiorum qualitate, non folum caufas pecuniarias pertractabat, fed et criminibus et flagitiis pro confuetudine regionis puniendis praeerat: ne, ficut in litteris veftris meminiftis, pravis hominibus pro impunitate crefceret audacia delinquendi. Cavebam tamen, ne fi forte qualitas culpae aut fufpendii poenam, aut membrorum truncationem mereretur, aliquod ad me fuper hujufmodi verbum perferretur. Ipfe cum

affefforibus fuis ejufmodi, quia me inrequifito diffiniebat; fciebam proculdubio, quod ei et cognofcendi, et diffiniendi auctoritatem praeftabam: fed diffimulationi me qualemcumquo confidentiam accommodabat, quod viri fancti qui me in eadem fede praecefferant, fecundum hanc confuetudinem irreprehenfi procefferant. Neque enim in orbe Latino praeter majorem noftram ecclefiam alicubi locorum tot fancti Martyres vel Confeffores inveniuntur: quod facile deprehendere poteritis ex Martyrologio Venerabilis Bedae prefbyteri, vel fucceffloris ejus Ofwardi, qni catalogum fanctorum ex magna parte ampliavit. Acceffit autem ad ampliorem confidentiam, quod Prefectus urbis Romae, qui puniendis criminibus fpecialiter praeeft, Praefecturae fuae auctoritatem a domino Papa recipere dicitur. Unde et in Dominica, qua cantatur *Laetare Jerusalem*, expleta follemni proceffione, in qua Rofam Auream idem Summus Pontifex circumportat, ipfum quafi pro debiti exequutione eadem Rofa remunerat. Nihilominus (quod evidentius eft) in civitate Beneventana, quae proprie ad menfam Apoftolicam pertinet, Rectorem dominns Papa ordinat, qui vel per fe ipfum, vel certe per cives ejufdem urbis conflagitia ejufdem loci punit, et purgat. Hujufmodi qnidem confolationibus utebar: fciens tamen quod fi qui proventus ex ejufmodi caufis accidebant, in expenfas meas conferebantnr, deducto jure Senefcalli mei, cui tertia pars proventuum pro follicitndine fua debebatur. Illud vero tam nos, quam anteceffores noftri diligenter attendebamus, quod is qui ejufmodi exfecutioni deputatus fuerat, ad facros Ordines deinceps non promovebatur. Heus, bone frater, ad primam quaeftionem veftram refpondimus, non diffinientes quid fieri debeat, fed quid fecerimus, cnm aliquatenus fcrupulofa vobis confcientia recognofcentes.

De cetero fecundae confultationi veftrae refpondendum arbitrati fumus. Clerici, et maxime illi qui ad facros Ordines promoti funt, diftricte prohibendi funt, ne aut rapinas, aut furta fibi facta in foro feculari profequantur: vel fi omnino coerceri non poterunt, ufque ad monomachiam, vel candentis ferri, vel aquae, vel aliqnod hujufmodi examen nullo modo

procedere audeant: qui si non adquieverint, et ejusmodi concitatione aut membrorum detruncatio, aut homicidia perpetrata fuerint; et officio et beneficio ecclesiastico privari merebuntur. Proponenda enim est eis auctoritas Apostolica qua dicitur: *Quare magis non fraudem patimini?* Fraudem siquidem appellatam credimus, damnum quod per fraudem vel malitiam alterius alicui irrogatum est. Haec autem absque praejudicio melioris sane et sanioris consilii vobis satis meticulose transcripsimus.

Propter supra memoratas causas, et nonnullas alias, quae me gravius premebant; elegi, venerande Christi Sacerdos, illud modicum vitae, quae mihi Deo auctore prebetur, in poenitentia et lacrymis transigere, et vitae contemplativae (si fieri potest) dulcedinem praegustare. Necesse enim habui, dum Lugdunensis Archiepiscopatus honore fungebar, militiae saecularis honore implicari; raptores et sacrilegos, et stratarum publicarum violatores armata manu prosequi, et eorum munitiones et castella obsidere, succendere, et demoliri: in quorum persequutione non solum ipsorum malefactorum, sed etiam illorum quos deducebamus, mortes aliquando contingebant. Unde nunc pedibus Sanctitatis vestrae, tamquam miser peccator, provolutus, suppliciter exoro, quatinus pro reatuum meorum venia intervenire dignemini. Bene valete.

Bulla contra duellum religiosi·

XXXI. Innocentius Episcopus · seruus seruorum Dei · vniuersis Christi fidelibus per Eboracensem prouinciam et regnum Scocie constitutis · salutem et Apostolicam benedictionem · Ad nostram noueritis audienciam peruenisse · quod quedam pestifera consuetudo · que corruptela debet potius nuncupari vtpote iuri ac honestati ecclesiastice prorsus contraria · inoleuit inter regnum Anglie ac Scocie ab antiquo · et usque nunc obseruata existit per abusum · videlicet · vt si Episcopum · Abbatem · seu quemlibet Clericum super aliquibus offensis pro quibus duellum inter laicos fieri consueuit ab aliquo conueniri contingat · cogatur is qui conuenitur quantumcumque

religiosus existat super hiis personaliter subire duellum · Nos igitur consuetudinem supradictam tamquam Deo et sacris canonibus inimicam · penitus detestantes ne quis decetero talia quomodolibet attemptare presumat auctoritate presentium sub interminacione anathematis districtius inhibemus · Nulli ergo omnino hominum liceat hanc paginam nostre inhibicionis infringere · uel ei ausu temerario contraire · Si quis autem hoc attemptare presumpserit indignacionem Omnipotentis Dei et Beatorum Petri et Pauli Apostolorum eius se nouerit incursurum · Datum Laterani · x · Kal · Aprilis pontificatus nostri anno nonodecimo ·

XXXII. Hee sunt ecclesie quas dedicauit Episcopus Dauid ·

¶ Ecclesia de Lessewade dedicata fuit anno gracie · M° · CC° · XL° · ii · Non · Maii ·
Ecclesia Fratrum Predicatorum de Perth · eodem anno · iii · Idus Maii ·
Ecclesia Sancti Nicholai de Berwyck · eodem anno · viii · Idus Julii ·

¶ Ecclesia de Kyrketun anno gracie etc · XLI° · xvii · Kal · Septembris ·
Ecclesia de Mertuna juxta Dryburgh ·
Ecclesia de Yestrith ·
Ecclesia de Lintun ·
Ecclesia de Fertheviet ·
Ecclesia de Kinnettles · anno eodem · iii · Idus Nouembris ·
Ecclesia de Calledouer Comitis · anno eodem · ii · Idus Martii ·
Ecclesia Sancti Cuthberti de Edinburg · prope Castrum · anno eodem · xvii · Kal · Aprilis ·
Ecclesia de Childenechirch · anno eodem · x · Kal · Aprilis ·

¶ Ecclesia de Gordun · anno gracie etc · XLII° · v · Kal · Aprilis ·
Ecclesia de Stichill · anno eodem · iii · Kal · Aprilis ·

Capella Domini · W · filii Comitis . apud Foggo · anno eodem · iiij . Non · Aprilis ·

Ecclefia de Greenlawe · anno eodem · ii · Non · Aprilis ·

Ecclefia de Langetun · eodem anno · viii · Idus Aprilis ·

Ecclefia de Polwarth · eodem anno · iiii · Idus Aprilis ·

Ecclefia de Chernefide · eodem anno · iiii · Idus Aprilis ·

Ecclefia Sanćte Trinitatis de Berwyck reconciliata propter effufionem fanguinis in eadem · eodem anno · xvii · Kal · Maii ·

Ecclefia de Barowe · eodem anno · viii · Kal · Maii ·

Ecclefia de Penkathland · eodem anno · Kal · Maii ·

Ecclefia de Kokpen · eodem anno · iiii · Non · Maii ·

Ecclefia de Linlithcu · eodem anno · xiv · Kal · Junii ·

Ecclefia de Culas prope Perth · anno eodem · pridie Non · Junii ·

Ecclefia que vocatur Varia Capella · eodem anno · pridie Idus Junii ·

Ecclefia de Strathechtyn · eodem anno · xvi · Kal · Julii ·

Ecclefia de Nig ultra le Moneth · anno eodem · tercio Kal · Augufti ·

Ecclefia de Aberluthenoth · anno eodem · iij · Non · Augufti ·

Ecclefia de Kineff · eodem anno · Non · Augufti ·

Ecclefia de Egglefgerch · eodem anno · vii · Idus Augufti ·

Ecclefia de Aberbuthenoth · eodem anno · v · Idus Augufti ·

Ecclefia de Tanatheys · eodem anno · iii · Idus Augufti ·

¶ Ecclefia de Inuerluthnene · eodem anno · xvi · Kal · Septembris ·

Ecclefia Sanćti Vigiani de Aberbrothock · eodem anno · xiiii · Kal · Septembris ·

Ecclefia de Aberlemenach · eodem anno · xii · Kal · Septembris ·

Ecclefia de Forfar · eodem anno · x · Kal · Septembris ·

Ecclefia de Glamnis · eodem anno · viii · Kal · Septembris ·

Ecclefia de Erolyn · eodem anno · vi · Kal · Septembris ·

Ecclefia de Newtyle · eodem anno · iiii · Kal · Septembris ·

Ecclefia de Foules · ii · Kal · Septembris in eodem anno ·

¶ Ecclefia de Perth · eodem anno · iii · Non · Septembris ·

Ecclesia de Ebedyn · eodem anno · Non · Septembris ·
¶ Ecclesia de Flisch · eodem anno · vii · Idus Septembris ·
Ecclesia de Wymeth · iiii · Non · Octobris · eodem anno ·
Ecclesia de Seethun · eodem anno · ii · Non · Octobris ·
Ecclesia de Golyn · eodem anno · viii · Idus Octobris ·
Ecclesia Monialium Conuentualium de Norberwyk · eodem anno · vi · Idus Octobris ·
Ecclesia de Inuerwick · eodem anno · xvi · Kal · Nouembris ·
Ecclesia de Aldhamstock · eodem anno · xiv · Kal · Nouembris ·
Ecclesia do Leiardewde · eodem anno · iii · Kal · Nouembris ·
¶ Ecclesia de Wedale · eodem anno · iii · Non · Nouembris ·
Ecclesia de Ersldun · eodem anno · xiii · Kal · Aprilis ·

¶ Ecclesia de Kalcho · anno gracie etc · XLIII° · vi · Kal · Aprilis ·
Ecclesia de Foggho · eodem anno · iiii · Kal · Aprilis ·
Ecclesia de Leinhal · eodem anno · ii · Kal · Aprilis ·
Ecclesia de Hiltun · eodem anno · iiii · Non · Aprilis ·
Ecclesia de Hornden · eodem anno · ii · Non · Aprilis ·
Ecclesia de Hotun · eodem anno · viiii · Idus Aprilis ·
Ecclesia de Aldham · ix · Kal · Maii · eodem auno ·
Ecclesia de Smalham · iii · Kal · Maii · eodem anno ·
Ecclesia de Kerntun · eodem anno · vi · Non · Maii ·
Ecclesia de Rathewe · eodem anno · iii · Non · Maii ·
Ecclesia de Karreden · eodem anno · Non · Maii ·
Ecclesia de Erth · vi · Idus Maii · eodem anno ·
Ecclesia de Magna Kingorn · eodem anno · xv · Kal · Junii ·
Ecclesia de Parua Kingorn · xiiii · Kal · Junii · eodem anno ·
Ecclesia de Kinglassyn · eodem anno · vi · Kal · Junii ·
Ecclesia de Sconyn · eodem anno · iiii · Kal · Junii ·
Ecclesia parochialis Sancti Andree · eodem anno · xv · Kal · Julii ·
Ecclesia de Kellyn · eodem anno · xiii · Kal · Julii ·

Ecclefia de Karal · xi · Kal · Julii · eodem anno ·
Ecclefia de Kilretheny · eodem anno · vi · Kal · Julii ·
Ecclefia de Eynftrother · eodem anno · iiii · Kal · Julii ·
Ecclefia de Kilcunewath · eodem anno · iiii · Id · Julii ·
Ecclefia de Nithbren · eodem anno · Id · Julii ·
Ecclefia de Largach · eodem anno · xvi · Kal · Augufti ·
Ecclefia de Markinch · eodem anno · xiv · Kal · Augufti ·
¶ Ecclefia de Porthmoolk · eodem anno · x · Kal · Augufti ·
Ecclefia de Kilgoueryn · eodem anno · vii · Kal · Augufti ·
Ecclefia de Lofferefch · eodem anno · v · Kal · Augufti ·
Ecclefia de Cullefyn · eodem anno · iii · Kal · Augufti ·
Ecclefia de Deruefyn · eodem anno · iiii · Non · Augufti ·
Ecclefia de Quilte · eodem anno · vii · Idus Augufti ·
Ecclefia de Erol · eodem anno · v · Idus Augufti ·
Ecclefia de Inchethor · eodem anno · iii · Idus Augufti ·
¶ Ecclefia de Roffinclerach · eodem anno · Idus Augufti ·
Ecclefia de Barri · eodem anno · xv · Kal · Septembris ·
Ecclefia de Inchbrioch · eodem anno · xiv · Kal · Septembris ·
Ecclefia de Login Cuthel · eodem anno · viii · Kal · Septembris ·
Ecclefia de Aldebarr · eodem anno · vi · Kal · Septembris ·
¶ Ecclefia de Ruftinoth · eodem anno · iii · Kal · Septembris ·
Ecclefia de Edeuin · eodem anno · Kal · Septembris ·
Ecclefia de Machynlur · eodem anno · iii · Non · Septembris ·
Ecclefia de Inuerarethyn · eodem anno · viii · Idus Septembris ·
Ecclefia de Banevyn · v° · Id · Septembris · eodem anno ·
Ecclefia de Logyn Dunde · eodem anno · iii · Idus Septembris ·
Ecclefia de Blare · eodem anno · Idus Septembris ·
Ecclefia de Uchterardereth · eodem anno · v° · Kal · Octobris ·
Ie. Ecclefia de Levingefton · eodem anno · ii · Kal · Octobris ·
¶ Ecclefia Sanĉti Egidii de Edenburg · eodem anno · ij Non · Oĉtobris ·
Ecclefia de Ellum · eodem anno · v° · Idus Martii ·

¶ Ecclesia de Alstanefford · anno gracie etc · XLIIII° · vii · Idus Aprilis ·
Ecclesia de Travernent · eodem anno · iii · Idus Aprilis ·
Ecclesia de Cranestun · eodem anno · xv · Kal · Maii ·
Ecclesia de Saultune · eodem anno · xi · Kal · Maii ·
Ecclesia Fratrum Minorum de Berwyk · eodem anno · pridie Non · Maii ·
Ecclesia de Inverkethyn · eodem anno · vii · Kal · Septembris ·
Ecclesia de Locres · eodem anno · ii · Non · Septembris ·
Ecclesia de Kenebach · eodem anno · viii · Idus Septembris ·
Ecclesia de Listun · eodem anno · iii · Idus Septembris ·
Ecclesia de Eglesmanechyn · eodem anno · Idus Septembris ·
Ecclesia de Boltun · eodem anno · xiiii · Kal · Octobris ·
Ecclesia Hospitalis de Fonte Scotie · eodem anno · vii · Non · Octobris ·
Ecclesia de Fordune · eodem anno · xvi · Kal · Nouembris ·
Ecclesia de Cunweth · eodem anno · xiv · Kal · Nouembris ·
Ecclesia de Heriet · eodem anno · vii · Idus Martii ·
Ecclesia de Morham · eodem anno · vii · Idus Martii ·
Ecclesia de Kyrkaldin · eodem anno · xii · Kal · Aprilis ·

¶ Ecclesia de Disarth · anno gracie etc · XLV° · vii · Kal · Aprilis ·
Ecclesia de Methkil · eodem anno · v° · Kal · Aprilis ·
Ecclesia de Uchthormukedi · eodem anno · ii · Kal · Aprilis ·
Ecclesia de Tharuet · eodem anno · iii · Non · Aprilis ·
Ecclesia de Uchthermunesin · eodem anno · Non · Aprilis ·
Ecclesia de Wytingeham · eodem anno · Non · Maii ·

¶ Ecclesia de Essy · anno gracie etc · XLVI° · Idus Maii ·
Ecclesia de Fethirassach · eodem anno · octauo Kal · Junii ·
Ecclesia de Kinross · eodem anno · v° · Kal · Julii ·
Ecclesia de Hersihille · eodem anno · pridie Kal · Augusti ·

¶ Ecclesia de Goggere · anno gracie etc · XLVII · x · Kal · Junii ·

Ecclefia de Calledouere Clere · eodem anno · pridie Kal · Junii ·
Ecclefia de Sympring · eodem anno · feptimo Kal · Julii ·
Ecclefia de Metbfen · eodem anno etc · XLVII° · viii · Kal · Septembris ·
Ecclefia de Abercrumbin · eodem anno · ix · Kal · Nouembris ·

¶ Ecclefia de Halis · v · Kal · Octobris anno gracie etc · XL · octavo ·
Ecclefia de Ecclis · eodem anno · quarto Non · Octobris ·
Ecclefia de Caldeftrem · eodem anno · pridie Non · Octobris ·

¶ Ecclefia de Ketenes · anno etc · XLIX° · xiiii° · Kal · Maii ·
Ecclefia de Stratbechtyn Martin · eodem anno · xv · Kal · Junii ·
¶ Ecclefia de Clacmanan · eodem anno · Non · Kal · Septembris ·

XXXIII. Hee funt ecclefie quas dedicauit Epifcopus Willelmus ·

¶ Ecclefia de Dunothyr dedicata eft anno gracie · M° · CC° · LXX°VI° · Idus Maii ·

Capella de Collyn · eodem anno · xj° · Kal · Junii · ita quod nullum preiudicium generetur matrici ecclefie de Fethyreffach ·

XXXIV. Taxaciones omnium benificiorum regni Scocie facte per Legatum Romani Pontificis·

Archiepiſcopatus Sanctiandree	iij^{m}iij^{c}xxxiij lī · vj s̃ · viij d̃ ·
Prioratus eiuſdem	iij^{m}iij^{c}xxxiij lī · vj s̃ · viij d̃ ·
Dunfermlinge	iij^{m}iij^{c}xxxiij lī · vj s̃ · viij d̃ ·
Aberbrothok	iiij^{m} lī ·
Scona	j^{m}vj^{c}lxvj lī · xiij s̃ · iiij d̃ ·
Couper	j^{m}vj^{c}lxvj lī · xiij s̃ · iiij d̃ ·
Londoris	j^{m}vj^{c}lxvj lī · xiij s̃ · iiij d̃ ·
Cartuſia	vj^{c}xxxiij lī · vj s̃ · viij d̃ ·
Balmerinoche	v^{c}xxxiij lī · vj s̃ · viij d̃ ·
Prioratus de Reſtinot	v^{c}xxxiij lī · vj s̃ · viij d̃ ·
Portmowok Prioratus	j^{c}vj lī · xiij s̃ · iiij d̃ ·
Prioratus de Pittynveyme	iiij^{c} lī ·
Scotland Well	lxxxiij lī · vj s̃ · viij d̃ ·
Cambuſkynnethe	j^{m}vj^{c}lxvj lī · xiij s̃ · iiij d̃ ·
Sanct Jhonis	j^{m} lī ·
Elchok	ij^{c} lī ·
Manwell	j^{c} lī ·
Halyrudhous	ij^{m}vj^{c}lxvj lī · xiij s̃ · iiij d̃ ·
Newbotill	j^{m}iij^{c}xxxiij lī · vj s̃ · viij d̃ ·
Driburghe	j^{m}iij^{c}xxxiij lī · vj s̃ · viij d̃ ·
Kelſo cum Leſmahago	ij^{m}vj^{c}lxvj lī · xiij s̃ · iiij d̃ ·
Coldinghame	j^{m}iij^{c}xxxiij lī · vj s̃ · viij d̃ ·
Ecclis	iij^{c}xxxiij lī · vj s̃ · viij d̃ ·
Cavldſtreme	iij^{c}xxxiij lī · vj s̃ viij d̃ ·
Northbervik	j^{m} lī ·
Haldingtoun	j^{m} lī ·
Howſtone	lxxx lī ·
Sanct Bothanis	xxxiij lī · vj s̃ · viij d̃ ·

Infra diaconatum de Fiff Sanctiandree dioceſis ·

Archidiaconatus Sanctiandree . .	iiij^c ti ·
Vicaria de Craile	lxxx ti ·
Vicaria de Carnbe	xxvj ti · xiij s̄ · iiij đ ·
Vicaria de Kilrynne	x ti ·
Vicaria de Kilconquhar	lxxx ti ·
Vicaria de Largo	xl ti ·
Vicaria de Scone	liij ti · vj s̄ · viij đ ·
Vicaria de Kennochy	xxxiij ti · vj s̄ · viij đ ·
Rectoria de Tarvat	liij ti · vj s̄ · viij đ ·
Rectoria de Kembak	liij ti · vj s̄ · viij đ ·
Dynnynnocht	xl ti ·
Vicaria Sanctiandree	j^c xxxiij ti · vj s̄ · viij đ ·
Vicaria de Lucheris	lxvj ti · xiij s̄ · iiij đ ·
Vicaria de Forgund	xxxiij ti · vj s̄ · viij đ ·
Vicaria de Kilmany	xxx ti ·
Rectoria de Fliſk	j^c ti ·
Vicaria de Ebde infra taxam	
Vicaria de Culleſſy	xxvj ti · xiij s̄ · iiij đ ·
Vicaria de Monymaile	xxvj ti · xiij s̄ · iiij đ ·
Vicaria de Couper	liij ti · vj s̄ · viij đ ·
Vicaria de Merkynche	liij ti · vj s̄ viij đ ·
Rectoria de Dyſart	j^c xxxiij ti · vj s̄ · viij đ ·
Vicaria de Kirkcaldy	liij ti · xiij s̄ · iiij đ ·
Vicaria de Kilgour	xxx ti ·
Vicaria de Kilgorne Eſter	lxvj ti · xiij s̄ · iiij đ ·
Lautbriſk	xl ti ·
Rectoria de Quyltis	lxvj ti · xiij s̄ · iiij đ ·
Prepoſitura Sancte Marie de Rupe .	j^c lx ti ·

Sothik [*l.* Fothrik] ·

Ouchterdera	j^c li ·
Ballingare ·	lxxx li ·
Sacrifta de Dunfermlinge	j^c xxxiij li · vj s · viij d ·
Rectoria de Mukart	lxvj li · xiij s · iiij d ·

Gowry ·

Rectoria de Dunbarny	j^c xx li ·
Vicaria eiufdem	xxvj li · xiij s · iiij d ·
Rectoria de Banwy	xxvj li · xiij s iiij d ·
Vicaria de Langforgund	xxxiij li · vj s · viij d ·

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[Littere Domini Regis pro ecclefia Candide Cafe ·]

XXXV. Jacobus Dei gratia Rex Scotorum · vniuerfis tam prefentibus quam futuris ad quorum noticiam prefentes litere peruenerint Salutem · Notum facimus quod cum ecclefia Candide Cafe ac ipfius ecclefie prelati et miniftri · iuxta ipforum lamentabilem querelam · fepius propofitam coram nobis · aliter quam cetere ecclefie et prelati regni noftri in fuis libertatibus et juribus toti ordini clericorum indultis fit grauata atque lefa · Nos volentes eandem ecclefiam · ipfius prelatos et miniftros ecclefias homines tenentes et feruientes · terras redditus et poffeffiones · et queque alia jura · ficut ceteros regni noftri prelatos ac ipforum beneficia et jura gubernari et ammodo tractari ac regi Cum turpis fit pars que fuo non congruit vniuerfo · Manda-

mus et tenore prefencium ftricte precipimus vniuerfis et fingulis fubditis noftris officiarijs et miniftris quatenus de cetero dictam ecclefiam Candide cafe Epifcopum Abbates Priores · et ceteros quofque ecclefie miniftros · infra Galuidiam · homines fuos tenentes et feruientes · terras redditus poffeffiones et jura fua vniuerfa tractent et regant · ficut ceteri regni noftri prelati epifcopi abbates et alij ecclefiarum miniftri et ipforum bona homines et tenentes feruientes redditus poffeffiones et jura per totum regnum noftrum abfque quacunque feruitute oppreffione feu grauamine tractantur et reguntur · fic quod clerus vbique infra regnum noftrum de cetero · non in difparitate et differencia fet vno jure vnoque priuilegio et libertate generali toti ordini clericorum indultis · gaudeat et vtatur · In quorum omnium et fingulorum teftimonium has literas noftras apud ecclefiam Candide Cafe perpetuo remanfuras · fub magno figillo noftro fieri fecimus patentes · Apud Edynburghe · vicefimo fexto die menfis Augufti · anno Domini millefimo quadringentefimo tricefimo et regni noftri vicefimo quinto ·

Donatio Capello Regie Collegiate per Regem pleno jure Regali ·

XXXVI. Jacobus Dei gratia Rex Scotorum Omnibus probis hominibus fuis clericis et laicis Ad quos prefentes litere peruenerint Salutem Sciatis quod nos Prepofituram Collegiate ecclefie Capelle noftre Regie Sancte Marie de Rupo prope Sanctumandream jam alias per mortem quondam Magiftri · J · A · vltimi dum viueret Prepofiti et poffefforis eiufdem vacantem *Et si vacauerit per resignacionem dicatur sic* Sciatis quod nos Prepofituram Collegiate ecclefie Capello noftre Regie Sancte Marie de Rupe prope ciuitatem Sanctiandree jam alias per puram et fimplicem refignationem dilecti noftri Magiftri · J · A · vltimi Prepofiti et poffefforis eiufdem in manibus noftris fponto factam et per nos jure Regali admiffam vacantem · Ad noftras prouifionem difpofitionem et omnimodam donationem totiens quotiens eam vacare contigerit pleno jure Regali fpectantem dilecto familiari clerico noftro Domino · J · K · dedimus conceffimus et

donauimus prout tenore prefentium pleno jure Regali damus concedimus et donamus Ac ipfum coram nobis propter hoc perfonaliter conftitutum in corporalem poffeffionem feu quafi Prepofiture juriumque et pertinentiarum prediĉtorum per annuli noftri digito fuo impofitionem jure Regali inueftimus de eadem · Tenendam et babendam ac gubernandam prefatam Prepofituram ipfo Domino · J · K · pro toto tempore vite fue Cum omnibus ct fingulis terris ecclefiis fruĉtibus redditibus prouentibus juribus decimis firmis et emolimentis domibus edificijs libertatibus immunitatibus priuilegijs exemptionibus indultis bonoribus et preeminentijs Canonicatuumque et Prebendarum huiufmodi Capelle noftre collationibus et ceteris proficuis et commoditatibus quibufcunque ad diĉtam Prepofituram fpectantibus feu jufte fpeĉtare valentibus quomodolibet infuturum Libere quiete plenarie integro honorificc bene et in pace fine reuocatione aut obftaculo aliquali · Ipfo Domino · J · K · fubeunte et perimplente onera et foruitia diĉto Prepofiture incumbentia debita et confueta In cuius rei teftimonium etc ·

ADDITIONS AND CORRECTIONS.

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xiii. note 2, *add:* In a passage (p. 18) of his 'Historical Memorials concerning the Provincial Councils of the Scottish Clergy,' which is suppressed in the reprint of 1819, Lord Hailes writes of his edition of the Scottish Canons of the Thirteenth Century: 'They were lately *offered* to the public with some explanatory notes. For the benefit of those who may be inclined to publish any tracts concerning the antiquities of Scotland, I must observe that *twenty-five* copies of the Canons were sold.'

xix. note, col. ii. line 27, *add:* Mr. Thorpe's Diplomat. Anglic. Aevi Saxonici, pp. 17, 27, 33, 34. Monast. Anglican, vol. vi. p. 1176. Seld. ad Eadmer. Cantuar. Not. et Spicileg. p. 159. edit. 1623; Notes on Drayton's Polyolbion, 11th song; Works, vol. ii. coll. 1625, 1626, vol. iii. coll. 1830-1832.

xxiv. note 1, col. ii. last line, *add:* Selden has contended that the Scots here spoken of were the Scots of Erin, not of Alba: 'Scoti autem hic non pro aquilonaribus Britanniae Majoris sumi videntur, sed pro Hibernis qui non raro apud veteres Scotorum nomine veniunt. Id ediscas licet ex Lanfranci ejusdem epistolis binis (Cod. MS. in Bibl. Cotton. et apud Baron. tom. ii. anno 1089. num. 13. et 16. in Vet. Epist. Hibernicarum Sylloge a Jac. Armachano edita Dublin. 1632. epist. 26. et 27.), altera ad Gothricum Hiberniae Regem, ad Terdelvacum Regem item Hiberniae altera. In priore, *In regno vestro*, inquit, *perhibentur homines alii legitime sibi copulatas pro arbitrio et voluntate relinquere, nonnulli suas aliis dare et aliorum infanda commutatione accipere.* In posteriori autem, *In regno vestro quisque pro arbitrio suo legitime copulatam uxorem, nulla canonica causa interveniente relinquit, et aliam quamlibet seu sibi vel relictae uxori consanguinitate propinquam, sive quam alius simili improbitate deseruit, maritali seu fornicaria lege, punienda sub temeritate conjungit.* Accedat et illud Anselmi antistitis Cantuariensis ad Muriardachum Hiberniae Regem (Anselm. lib. 3. epist. 147.), *Dicitur etiam quod viri* (apud vos in Hibernia) *ita libere et publice uxores suas uxoribus aliorum commutant sicut quilibet equum equo, aut quamlibet aliam rem re alia ab illo commutat, aut pro libitu et sine ratione relinquunt. Quod quam malum sit, omnis qui Christianam legem novit, intelligit.* Atque ad eundem (Anselm. lib. 3. epist. 142.), *Auditur apud vos quia conjugia in regno vestro sine omni ratione dissolvuntur et commutantur.* Et sane inter Hibernos maxime sylvestres etiam nostrum in seculum (vide Guil. Cambden. Brit. pag. 765. et 791.) liberior divertendi

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solvendique matrimonii mos duravit, quem merito perstringit Cambdenus.' — (Uxor Ebraica, lib. iii. cap. 30; Works, vol. ii. coll. 846, 847.)

It may not be easy in every case, especially after the first years of the eleventh century, to distinguish between the Scots of Ireland and the Scots of Britain. See Pinkert. Enq. Hist. Scot. part v. chap. iv. vol. ii. pp. 239-240. But the similarity of their manners and institutions, especially of their ecclesiastical polity, should leave little room for doubt that what was true of the relation of husband and wife among the one, was true also among the other. That it was so, in this particular instance, is attested by Ussher in a note on one of the letters to which Selden appeals: 'Barbara autem ista, quae non solum in Hibernia, sed etiam apud Anglo-Saxones et Scotos in Britannia invaluerat, legitimas uxores deserendi consuetudine.' — (Vet. Epist. Hibern. Sylloge, ep. xxvii.; Works, vol. iv. pp. 493, 494.)

Nor should it be forgotten that if Lanfranc was the counsellor of the Irish Princes, he was more than the counsellor, he was the chosen spiritual father, of St. Margaret of Scotland, and claimed to be Primate not merely of all England, but of all Britain.—(Scalacronica, pp. 222, 223. Eadmer. Cantuar. Hist. Nov. pp. 7, 11, 14, 21, 132, 201, 202. edit. 1623. Ussher, Vet. Epist. Hibern. Sylloge, ad fin.; Works, vol. iv. pp. 564-568. Wilk. Conc. Mag. Brit. et Hib. vol. i. pp. 325, 327, 328, 362-365, 367, 401, 402.)

Even after the middle of the twelfth century, if St. Ailred of Rievaux is to be trusted, it would seem that in at least one province of Scotland, the ties of wedlock were little regarded: 'Descendens in Galwediam, Alredus invenit regulum illius terræ [*sc.* Fergusium] contra filios suos iratum, filios in patrem saevientes et se in invicem fratres. Est autem terra illa fera, silvestris, et barbara; bestiales homines et barbarum omne quod gignit . . . Castitas toties patitur naufragium, quoties libido voluerit, nec est inter castam et scortum ulla distantia: mulieres per menses viros alternant.' — (Acta Sanctorum, Januar. t. i. p. 750. edit. Venet. 1734.)

xxv. note 2, line 17, *add*: Compare the Appendix to Florence of Worcester, written in the first years of the twelfth century: 'Eboracensis autem Archiepiscopus habebat omnes trans Humbram Episcopos suae ditioni subjectos: Rhipensem, Haugustaldensem, Lindisfarnensem, illum de Candida Casa, qui nunc Witerne dicitur, et omnes Episcopos Scotiæ et Orcadum; sicut Cantuariensis habet Episcopos Hiberniæ et Walanorum.'—(Monum. Hist. Britann. p. 644.)

xxix. lines 1, 2, *for* It was perhaps the grant of four palls to the Irish church in the year 1151 that stimulated King Malcolm *read* It was, no doubt, the grant of four palls to the Irish church in the year 1151, the grant of a pall to the Norwegian church in the year 1154, that stimulated King Malcolm

xxx. note 2, *add*: Account of Family of Innes, pp. 2, 49, 52. Spald. Club: 1864.

xxxix. note 1, *add*: and below, pp. cix. clxv. clxvi. cccxcvi.

xl. line 7, *for* He held a Council at Perth, *read* He translated Bishop William Malvoisin from Glasgow to St. Andrews, in September.—(J. de Ford. Scotichron. lib. vi. cap. 42, vol. i. p. 359. Wynt. Chron. Scot. book VII. chap. viii. ll. 850-859, vol. i. p. 353.) Three months afterwards he held a Council at Perth,

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xlix. note 3, last line, *for* Statutes at Large, *read* Statutes of the Realm,

xlix. note 3, *add:* The Coronation Oath of King Edward II. is given in the Statutes of the Realm, vol. i. p. 168; the Coronation Oaths of King Edward II. and of King Edward III., in the Foedera, vol. ii. pp. 36, 684, edit. 1821; of King Richard II., and of King Henry IV., in Mr. H. T. Riley's J. de Trokelowe et H. de Blaneforde necnon Quorundam Anonymorum Chronica et Annales, pp. 259, 294.

lv. lvi. note 3. The passage here quoted from Matthew Paris' Historia Major, stands thus in his Historia Anglorum (vol. ii. pp. 400, 401), just edited by Sir Frederic Madden: 'Eodem quoque anno scripsit rex omnibus magnatibus suis, ut coram eo et legato O[ttone], in festo Exaltationis sanctæ Crucis apud Eboracum convenirent, de ardnis negotiis regnum contingentibus tractaturi. Venerat autem eis obviam rex Scotorum A[lexander], vocatus a Rege Angliæ et legato, ut ibi habita communi deliberatione, de pacis reformandae soliditate tractaretur.'

All that follows—that is, the whole story how the Legate wished to visit Scotland, and how the King of Scots refused his consent, asserting that no Legate had ever crossed the Tweed—all this, which I have said 'it is impossible to believe,' is omitted in the Historia Anglorum, and rests only on the authority of Matthew Paris' larger work, the printed text of which Sir Frederic Madden describes as 'unfaithful and worthless,' 'of no authority or value,' 'made up with unbounded license,' 'occasionally several lines, or even an entire paragraph' being 'inserted, which will be sought for in vain in the manuscripts.'—(M. Paris, Hist. Angl. vol. i. pref. pp. xxxiv. xxxv.)

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lvii. note 1. The passage here quoted from Matthew Paris' Historia Major, does not appear in his Historia Anglorum.

lviii. note 2, *add:* It appears from a plea between the monks of Dunfermline and the vicar of Inverkeithing, in the year 1240, that promise of a certain sum from every parish church in Scotland had been made to the Cardinal Legate Otho.—(Reg. de Dunfermlyn, pp. 137, 138.)

lxviii. note, col. i. line 45, *for* Advocates' Library (25. 5. 1.) *read* Advocates' Library (25. 5. 4.)

lxix. lxx. note. A comparison of the valuations of Boiamund's Roll here given, with the valuations in the elder fragment since recovered (printed above, pp. cceiv.-ccevi.), shows two or three not material variations. The more modern copies rate the Chartreux at Perth, at £666; the Ministry of Scotland Well, at £93; the Archdeaconry of St. Andrews, at £320. The more ancient fragment rates the Chartreux at Perth, at £633; the Ministry of Scotland Well, at £83; the Archdeaconry of St. Andrews, at £400.

xciii. note, col. i. line 5, *for* Basil. 551. *read* Basil. 1531.

ci. note 2, *add:* See a brief of Pope Nicholas IV. (2. Dec. 1289), empowering Friar William of Kilconeath, bishop of Brechin, to make his testament: 'Ut de bonis mobilibus ecclesiasticis tue dispensationi seu administrationi commissis, que non fuerunt altaris seu altarium ecclesiarum tibi commissarum ministerio, seu alicui speciali earumdem ecclesiarum divino cultui vel usui deputata, vel que ordinis Predicatorum quem fuisti professus, non existant, nec non et quibuscumque bonis mobilibus a te per ecclesiam seu ecclesias licite acquisitis, pro decentibus et honestis expensis tui funeris, et pro remuneratione

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illorum qui tibi viventi serviverint, sive sint consanguinei sive alii, iuxta servitii meritum testari ac disponere possis,' etc. (Theiner, Vet. Mon. Hib. et Scot. p. 149.)

cxxxix. note 4, line 2, *for* The last line was obviously suggested to Scott by a 'Moral Dialogue' published in 1564, *read* The last line was obviously suggested to Scott, partly by the allusion to King Henry VIII. in Gray's Ode for Music—

'the majestic lord
That broke the bonds of Rome;'

partly by a 'Moral Dialogue' published in 1564,

clv. lines 4, 5, *for* in the year 1555. *read* in May 1555.

clv. note 2, *for* P. 153. *read* Pp. 153, 211.

clxxxiv. note, col. i. line 36, *add:* Cf. Act. Parl. Scot. vol. iii. p. 239.

ccxxv. note 2, *add:* It need scarcely be said that, in resuming the power of institution, in excluding the Ordinary's collation, the King of Scots only asserted rights which were generally claimed for Chapels Royal in that age. Thus, it was laid down as a point of English law, in A.D. 1293: 'Ke la Chapele le Roy est Seint, issint ke nuyl Erchevcske ne Eveske ne avera ke fere: o si avoueson de eglise, apurtenant a le Chapele, ou terre ou rente, seyt rekevery ver le Deen a la Chapitre par jugement de la Court le Roy, celuy ke rekevere ne serra poynt mys en soysine par le Eveske del lu, mes serra par le Viscounte le Roy.'—(Mr. Horwood's Year Books of King Edw. I. years xxi. and xxii. pp. 407, 409.) Cf. Selden's Hist. of Tythes, chap. vi. § 3, Works, vol. iii. col. 1125; Du Cange, *v.* '2. Capella.'

XIII. lines 9, 12, *for* Lambeth MS. fol. 223. *read* Lambeth MS. fol. 237.

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XXV. line 24, *for* CONCILIUM PROVINCIALE *read* CONCILIUM PROVINCIALE GENERALE

XXXII. line 3, *for* MS. Adv. Lib. Edinb. 15. 1. 8. *read* MS. Adv. Lib. Edinb. 15. 1. 18.

16, line 22, *for* vo *read* vel

33, line 22, *for* quidem *read* quidam

44, line 12, *for* si excesserit est mortal' ejus valorem *read* si excesserit est mortalagium · [ad] ejus valorem

46, line 12, *for* solvitur *read* s[a]lv[a]tur

52, line 4, *for* triennalia. *read* tricennalia.

53, line 11, *for* [Deo de[dio]ata. *read* [Deo] de[die]ata.

54, line 23, *for* liguantes. *read* [laqueatas].

63, line 22, *for* [ducentesimo quadragesime] *read* [ducentesimo quadragesimo secundo]

66, line 5, *for* simili pena *read* simili[s] pena

71, line 5, *for* [si que] *read* [si qua]

76, line 2, *for* que vigilia in Dominica contingunt. *read* qua vigilia in Dominica contigerit.

77, line 2, *for* [166. *read* [166.]

79, line 23, *for* 'per se' *read* 'pro se'

80, line 7, *for* subscriptornm *read* subscriptorum

84, lines 5, 9, 14, 16, 17, *for* Ordines *read* Ordinis

85, line 4, *for* Georgius Cryghton, *read* Georgius Clapperton,

103, line 6, *for* prioratu de Northber[wick], *read* prior[iss]atu de Northber[wick],

103, line 7, *for* 'prioratu de Hadington,' *read* prior[iss]atu de Hadington,

104, line 6, *for* Sanctæ Columbæ *read* Sanct[i] Columbæ

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105, line 24, *for* qui sit *read* qu[od] sit

117, line 16, *for* [211.] *read* [221.]

128, line 1, *for* [Concilium Provinciale *read* [Concilium Generale Provinciale

140, line 1, *for* [Concilium Provinciale *read* [Concilium Generale Provinciale

152, line 24, *for* consuetudini *read* consuetudini

171, line 26, for *propter motiva, vel ex motivis,* *read* propter *motiva*, vel *ex motivis*,

175, lines 20, 23, *for* Eucharistiæ aut matrimonii *read* Eucharistiæ [et] matrimonii

211, col. ii. lines 34, 35, *for* Registri Statutorum *read* Registri huiusmodi Statutorum

262, col. i. line 46, *for* The girth of Torphichen *read* I have seen a note by James Anderson, editor of the Diplomata Scotiae, that he had in his hands, in the year 1706, a 'charter by King Robert of a girth for three miles about the kirk of Luss,' on the western shore of Loch Lomond, the shrine or sepulchre of the patron saint of the Lennox, whose bell and alms—'campana et elemosina Sancti Kessogii'—had not lost all reverence in the seventeenth century.—(Brev. Aberd. Propr. SS. pro temp. hyem. foll. lxvi. lxvii. Reg. Mag. Sig. lib. xxxii. no. 172. MS. Reg. House. Inquisit. Spec. vicecom. Stirl. nn. 8, 37; vicecom. Perth. nn. 708, 880, 1094. Cart. Comit. de Levenax, pp. 21, 22.) The girth of Torphichen

263, col. 1, line 23, *add:* There would seem to have been but four degrees of sanctity in the girth of St. Peter at York—the porch, the church, the choir, the Frithstool: 'cathedra lapidea juxta altare, quod Anglici vocant Fridstoll, id est, Cathedra Quietudinis vel Pacis.'—(Monast. Anglican. vol. vi. p. 1180.) The Frithstool of Hexham is described and figured in Canon Raine's Priory of Hexham, vol. ii. pp. lxv.-lxvii.

267, col. i. line 14, *add:* Indulgences issued for the building of York Minster in the years 1227, 1304, 1312, 1352, 1361, 1406—instructions to Limiters, Pardoners or Questors, in the years 1335 and 1363—are given in Canon Raine's Fabric Rolls of York Minster, pp. 149, 150, 154-157, 158-161, 167, 168, 175-178, 196-198. Surtees Soc. 1859.

293, col. i. line 3, *add:* The office of Parish-Clerk receives abundant illustration from writs in the St. Andrews Formulare: fol. 8: 'Vnio Clericatus Perrochialis capellanie Beate Marie Virginis;' fol. 98: 'Donatio Clericatus Perrochialis jure deuoluto per Ordinarium, cum institutione eiusdem' ['per aque benedicte, amphoreque [et] aspersorii in manibus traditionem']; fol. 98: 'Confirmatio officij Clericatus [Perrochialis] et electionis eiusdem rite facte;' foll. 98, 99: 'Confirmatio alia electionis officij Clericatus [Perrochialis], cum instrumento electionis in eadem inserto;' fol. 99: 'Institutio Clerici Perrochialis per vicarium ecclesie' ['per realem deliberationem et traditionem amphore, isopi, aspersorij, aque benedicte, clauium, cordularum campanarum dicte ecclesie, et aliorum ornamentorum dictum officium concernentium in manibus dicti Clerici']; foll. 130, 131: 'Confirmatio et electio Clerici Parrochialis per Ordinarium jure deuoluto propter electionem inydonei [et meri laici] per perrochianos;' foll. 255, 256: 'Donatio Clericatus Perrochialis deuoluti ad dispositionem Ordinarij per sententiam diffinitiuam;' fol. 256: 'Dispensatio cum illegittimo ad obtinendum Clericatum Perrochialem in minoritate, Ordinaria auctoritate facta, cum donatione confirmatione et institutione

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eiusdem, ac etiam cum testimoniali de prima tonsura clericali;' foll. 297, 298: 'Confirmatio Clericatus Perrochialis litigiosi pretextu electionis facte in diuersas personas, adiudicando jus vni collitigantium simpliciter pertinere;' foll. 299, 300: 'Monitorium ad satisfaciendum de annua pensione super Clericatu Perrochiali litigioso, per Ordinarium, in vim certe inter collitigantes inite concordie, reseruata;' fol. 305: 'Citatio super Clerico Perrochiali committente homicidium voluntarium, ad videndum illum Clericatu priuari, et alteri electo conferri et confirmari;' fol. 306: 'Commissio ad cognoscendum in causa priuationis Clerici Perrochialis a Clericatu suo propter homicidium voluntarium commissum, et confirmatione Ordinaria alteri de nouo electo fienda;' foll. 306, 307: 'Citatio ad videndum Clericatum Perrochialem et eiusdem plenariam dispositionem Ordinario deuolui, propter inhabilitatem possessoris Clericatum huiusmodi absque prima tonsura clericali ad multos annos iniuste possidentis;' fol. 307: 'Citatio ad videndum collationem et confirmationem Clericatus Perrochialis jure deuoluto factam, rescindi reuocari et retractari, et illum de nouo alteri conferri et confirmari debere;' foll. 395, 396: 'Consensus patronorum laicorum ad vniendum eorum Clericatum Perrochialem, vt ex illo due perpetue capellanie per loci Ordinarium creari erigi constitui et incorporari possint, cum presentatione actuali ad huiusmodi capellanias erigendas;' foll. 396-399: 'Erectio Clericatus Perrochialis in duas perpetuas capellanias, cum illius vnione et incorporatione de consensu patronorum laicorum, et cum earundem collatione et institutione vigore presentationis huiusmodi ipsis duobus capellaniis respectiue factis;' foll. 428, 429: 'Donatio Clericatus Perrochialis per Ordinarium jure deuoluto, cum eiusdem institutione in ampla forma' ['per aque benedicte, amphoreque at aspersorij, in manibus traditionem, vt moris est']; foll. 476, 477: 'Commissio noua ad cognoscendum in causa Clericatus Perrochialis certis commissariis de nouo constitutis, cum aduocatione cause a prioribus commissarjis in dicta causa primo deputatis;' foll. 477-479: 'Confirmatio Clericatus Perrochialis in personam vnius collitigantium post cessionem et renuntiationem jurium duorum aliorum collitigantium, cum extinctione litis, surrogatione in jure renuntiantium, cum Monitorio inserto ad parendum de fructibus Clerico confirmato.' In this last case, institution was ordered to be given 'per amphore, aque benedicte, et aspersorij traditionem, vt moris est.' The instrument of election inserted in the writ at foll. 98, 99, relates that the person elected, a tonsured clerk of the diocese of St. Andrews, was invested in the office by the electors, who as usual were the parishioners, 'per deliberationem amphore, isopi, aspersorij, et aque benedicte, et aliorum dictum officium concernentium traditionem.'